

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

BE IT ENACTED by the Mayor and the Councillors of the Town of Oromocto as follows:

1.0 TITLE

1.1 This By-Law must be cited as the "Code of Conduct By-Law."

2.0 SCOPE

The Code of Conduct is applicable to all members of Council ("Members") and to any person appointed by the Mayor and/or Council to agencies, boards, committees and commissions, whether they are members of Council or not ("Appointees"). The bodies to which the Mayor and/or Council can appoint Appointees are referred to collectively as "Committees" throughout this Code of Conduct.

3.0 PURPOSE

3.1 Council shall adopt a Code of Conduct and measures to ensure adherence to same. All Members and Appointees shall be required to sign the Member and Appointee statement (Appendix A).

3.2 The purposes of the Code of Conduct are to ensure that:

(a) public business is conducted with integrity, in a fair, honest and open manner;

(b) members and appointees respect one another, the public and staff and recognize the unique role and contribution each person has in making Oromocto a better place to work and live;

(c) the conduct of members and appointees in the performance of their duties and responsibilities with Oromocto is above reproach;

(d) decision making processes are accessible, participatory, understandable, timely and just;

(e) members and appointees avoid any real conflict of interest or reasonable perception of conflict; and

(f) members and appointees respect and uphold confidentiality requirements.

4.0 POLICY

Council Members and Appointees shall perform their official duties in accordance with the following General Standards of Conduct:

4.1 Act in the Public Interest - Recognizing that Oromocto seeks to maintain and enhance the quality of life for all Oromocto residents through effective, responsive and responsible government, members and appointees shall conduct their business with integrity and in a fair, honest and open manner.

4.2 Comply with the Law - Members and appointees shall comply with all applicable federal, provincial, and the Town's by-laws in the performance of their public duties.

4.3 Conduct of Members/Appointees - The conduct of Members and Appointees in the performance of their duties and responsibilities with Oromocto shall be fair, open and honest. Members and appointees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of each other, Oromocto officers and employees, or the public.

4.3.1 Members who are appointed to an external agency, board, committee, or commission shall participate fully in the normal business of such bodies. Members must recall that they retain their duties as Councillors and must seek to harmonize the direction of the agency, board,

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

committee, or commission with the direction and budgetary capabilities of the Town of Oromocto. Should the direction of the agency, board, committee, or commission and the direction and budgetary capabilities of the Town of Oromocto seem incompatible with one another and involve a matter of substance, the Member involved must defer taking a position on the matter and present both sides of the matter accurately to Council and seek the advice of the Mayor and Council, with appropriate reporting from Town staff.

4.3.2 Appointees shall be aware of the mandate of their respective Committees, and act in accordance with it.

4.4 Conduct of Public Meetings - Members and Appointees shall fully prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not related to the business of the meeting, or otherwise disturb a meeting.

4.5 Decisions Based on Merit

4.5.1 Members and appointees shall base decisions on the merits and substance of the matter at hand, acting in the interest of the citizens of the Town of Oromocto as a whole. In order to meet this responsibility, decisions must be free from personal bias, including:

(a) Conflict of interest;

(b) Personal animosity or loyalty to an applicant or proponent of a position;

(c) Personal ideology;

(d) Preconceived beliefs in a given situation that precludes consideration of other evidence; or agreements to trade votes with another Member.

4.5.2 Members and Appointees shall keep themselves informed by regularly reviewing Town by-laws, policies and procedures and any supplemental information related to their duties as Members and Appointees.

4.5.3 Members shall recognize that the function of local government is at all times to serve the interests of the greater community rather than the interest of any specific constituency.

4.5.4 Members shall strive for impartiality in all decision-making.

4.5.5 If conflict arises between personal views and the official duties of a Member, the conflict shall be resolved in favor of the public interest.

4.6 Gifts and Favours

A Member or appointee may not accept gifts, meals, or hospitality that create or would reasonably seem to create improper influence upon them in the performance of their duties. Items normally given in the course of business, such as small mementos of an event in line with commonly accepted municipal customs, do not typically have a substantial influence on Members or Appointees and may be accepted. It would be improper, however, to accept or to give the following kinds of gifts or gratuities unless expressly authorized by Council:

- Cash or cash equivalent gifts;

- Unusually lavish meals or hospitality;

- Items bearing advertising or the logo of private persons or corporations with whom the Town does business or may do business in the future;

- Trips;

- Secret commissions, payments, or kickbacks;

- Fundraiser, sports event, or other event tickets of more than \$50 face value [unless purchased on behalf of the Town and issued by the Mayor or his / her delegate] Gifts that might be acceptable under some circumstances might not be acceptable under

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

others. The context is critical. If the gift is given in anticipation of a favour [or gives that appearance], it is always wrong. For example: accepting a small box of chocolates from a ratepayer as a thank you for assistance may be fine, but accepting the same gift in anticipation of a future benefit would be wrong

- Accepting any gift from a supplier who is bidding on a job is wrong.

4.7 Communication

Members and appointees shall publicly share substantive information that is relevant to a matter under consideration by the Council or a Committee that they may have received from sources outside of the public decision-making process.

4.8 Conflict of Interest

Conflict of interest rules shall be governed by the *Local Governance Act*, more specifically as attached hereto and forming a part of this Code of Conduct.

4.9 Confidential Information

Members and appointees shall act in accordance with the *Right to Information and Protection of Privacy Act* and they shall respect the confidentiality of information concerning the property, personnel or legal affairs of Oromocto. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

4.10 Use of Public Resources

Members and Appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

4.11 Advocacy

- 4.11.1 The Mayor shall be the public voice of Council once a decision has been taken, unless they choose to delegate a specific topic to a specific Member. The Mayor shall be the voice of Council to the media, unless they choose to delegate this task.
- 4.11.2 In Council debates, genuine and full debate is expected. Members have every right to express disagreement with positions put forward by others provided such disagreement remains focused on the issue and does not descend to personal attacks on other Members.
- 4.11.3 Once Council has adopted a resolution; however, Members are expected to support such resolutions and the work flowing from them. Members should not seek to undo or reopen debate on such resolutions unless new information comes to light that was not reasonably known at the time of the original resolution, in which case a Member may put forward a motion to reconsider such resolution, outlining the new information upon which it was based and the reason it was not reasonably known at the time of the original resolution. Reconsideration of Council resolutions shall be in accordance with the Oromocto Procedural By-law.
- 4.11.4 From the time that a writ for an election for a new Council is issued until the regular polling day for such election or by-election, a Member who is a candidate for re-election may speak freely in public about his or her views of decisions taken in Open Session, by the outgoing Council.

4.12 Policy Role of Members and Appointees

- 4.12.1 Member and appointees shall respect and adhere to the structure of government as established in Oromocto. In this structure, the Council determines the policies of Oromocto with the advice, information and analysis provided by Oromocto staff, committees and the public.
- 4.12.2 Members and appointees, therefore, shall not interfere with the administrative functions of Oromocto or with the professional duties of Oromocto staff, nor shall they impair the ability of staff to implement Council policy decisions.

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

4.13 Respectful Workplace Environment

Members and appointees shall treat each other, Oromocto staff and the public, with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their duties.

4.13.1 Members and appointees shall refrain from personal harassment of fellow members or appointees or of any member of staff. Personal harassment is improper and unwelcomed behaviour directed at another person that is known [or reasonably should be known] to cause offense or hurt, whether or not it is based on a prohibited ground under the *Human Rights Act*.

4.13.2 While a single significant incident can be personal harassment, such cases usually involve repeated and hostile or demeaning conduct that affects a person's dignity or psychological or physical well-being and that reasonably can be expected to result in a harmful working environment.

4.13.3 Personal harassment includes the following types of behaviour:

- Bullying or intimidating behaviour, such as shouting or cursing at others, humiliating an employee in front of coworkers, making degrading comments or gestures, or teasing and belittling behaviour;
- Spreading malicious rumours or gossip;
- Threats, insults, or written or verbal abuse, including persistent vexatious comments or communications;
- Undermining or deliberately impeding a person's work;
- Withholding necessary information or purposefully giving the wrong information;
- Practical jokes that embarrass or demean others;
- Tampering with or vandalism of personal property, work equipment, or workplace;
- Shunning, ignoring, or isolating someone

5.0 IMPLEMENTATION OF THE CODE OF CONDUCT

5.1 The Code of Conduct is intended to be self-enforcing. Members and appointees should view the Code of Conduct as a set of guidelines that expresses the standards of conduct expected of them. Implementation is most effective when members and appointees are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct will be provided to candidates for Council and applicants to committees.

5.2 Members and appointees will be requested to sign the Statement, attached as Appendix A, affirming they have read and understood the Oromocto Code of Conduct. In addition, Council and committees shall periodically review the Code of Conduct, and Council shall consider recommendations from staff and committees and update the code as necessary.

6.0 COMPLIANCE AND ENFORCEMENT

6.1 The Code of Conduct expresses standards of ethical conduct expected for members and appointees of Oromocto Council and Committees. Members and appointees themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of Oromocto.

6.2 Council may impose sanctions on members and appointees whose conduct does not comply with Oromocto's ethical standards. Council may impose a motion of censure on a Member and may rescind the appointment of an appointee to a committee if he or she is found to have breached the Code of Conduct.

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

6.3 Motion of Censure

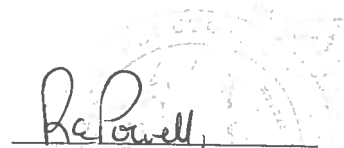
- 6.3.1 A motion to censure a Member shall be made in Closed Session. Such motion shall be accompanied by:
 - a) a written statement outlining each alleged violation by him/her, and
 - b) a statement of the particulars supporting such allegation
- 6.3.2 There shall be no vote on a motion of censure until the respondent member has had an opportunity to respond to the alleged violation[s] before a subsequent Closed Session of Council. The respondent member shall be entitled to a minimum of one week before the subsequent Closed Session of Council or such longer period as may be deemed reasonable by Council.
- 6.3.3 The respondent Member's response to the allegation shall be presented orally to Council by such member and Council shall have the opportunity to question the respondent.
- 6.3.4 A motion of censure shall require a two-thirds majority vote of the whole Council to become a resolution of Council.

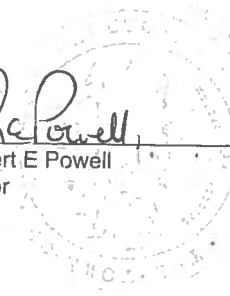
7.0 VIOLATION NOT CAUSE TO CHALLENGE A DECISION

- 7.1 A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or a committee decision.

READ FIRST TIME BY TITLE ONLY:	18 JULY 2019
READ SECOND TIME IN ITS ENTIRETY:	22 AUGUST 2019
READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:	19 SEPTEMBER 2019


Steven Hart
Chief Administrative Officer/Clerk


Robert E Powell
Mayor

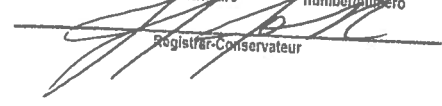


I certify that this instrument is registered or filed in the Sunbury County Registry Office, New Brunswick

J'atteste que cet instrument est enregistré ou déposé au bureau de la registration du comté de Sunbury Nouveau-Brunswick

2019-10-16 11:47:32 39522793

date/date time/heure number/numero


Registrar/Conservateur

BY-LAW #536
A BY-LAW RESPECTING THE CODE OF CONDUCT OF THE TOWN OF OROMOCTO
COUNCIL

APPENDIX A:
MEMBER/APPOINTEE STATEMENT

Oromocto Council members and the Mayor/Council Appointees to agencies, boards, committees and commissions (hereinafter referred to as "Committees").

As a Member of Council or an Appointee to a Town of Oromocto Committee, I affirm that I have read and understood the Code of Conduct and I agree to uphold the Code of Conduct By-Law as adopted by the Town of Oromocto.

Signature:

Date:

Name (please print):

Office / Committee:
