



**BY-LAW 100-25
A BY-LAW RESPECTING A CODE OF CONDUCT FOR ELECTED OFFICIALS
IN THE TOWN OF RIVERVIEW**

BE IT ENACTED by the Town Council of the Town of Riverview under the authority vested in it by the Local Governance Act, 2017, c 18 as follows:

Title

1. This by-law may be cited as the “Code of Conduct for Elected Officials”.

Definitions

1. In this by-law:

“Act” means the Local Governance Act, 2017 c-18 and associated regulations.

“CAO” means the Chief Administrative Officer of the Municipality or his/her delegate.

“Confidential Information” includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under RTIPPA or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to the information concerning:

- a) The security of municipal property;
- b) A proposed or pending acquisition or disposition of land or other property;
- c) A tender that has or will be issued but has not been awarded;
- d) Contract negotiations;
- e) Employment and labor relations;
- f) Draft documents and legal instruments, including reports, policies, by-laws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g) Law enforcement matters;
- h) Litigation or potential litigation, including matters before administrative tribunals; and
- i) Advice that is subject to solicitor-client privilege.

“Council” means the Council of the Town of Riverview.

“Member” means a member of Council and includes the Mayor, Deputy Mayor and Councillors.

“Municipality or Town” means the Town of Riverview.

“RTIPPA” means the Right to Information and Privacy Protection Act c.R-10.6 and associated regulations as amended.

“Social Media” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

“Town Resource” includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

“Undue Influence” is characterized by one person taking advantage of a position of power over another person or influence by which a person is induced to act otherwise than by his or her own free will.

Purpose, Application & Interpretation

1. The purpose of this by-law is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.
2. This by-law applies to all Members.
3. Along with the by-laws and policies of the Town, Members’ conduct is also governed by applicable provincial and federal legislation, including but not limited to:
 - a. The Local Governance Act;
 - b. RTIPPA;
 - c. The Elections Act;
 - d. The New Brunswick Human Rights Act;
 - e. The Occupational Health and Safety Act; and
 - f. The Criminal Code of Canada

Where there is any conflict between this by-law and the requirements of any federal or provincial laws, such provincial or federal laws shall take precedence.

4. This by-law is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code.

Principles and Values of Members of Council

1. Members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.
2. Members have a duty to act honestly, in good faith, and in the best interest of the Town.
3. Members shall:
 - a. Uphold the law established by the Federal Parliament and the New Brunswick Legislature and the by-laws and policies adopted by Council;
 - b. Carry out their duties in accordance with all applicable legislation, by-laws and policies pertaining to their position as an elected official;
 - c. Observe the highest standards of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
 - d. Serve and be seen to serve the welfare and interests of the Town as a whole and the community at large in a conscientious and diligent manner, and shall approach decision-making with an open mind.

Council Responsibilities

1. Council will:
 - a. Review this by-law as required and make any amendments Council considers appropriate; and
 - b. Review, consider or take other action concerning any violation of this by-law which is referred to Council for consideration.

Member Responsibilities

1. Conduct to be Observed

Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the by-laws of the Town as well as all applicable provincial and federal laws. As public servants, Members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

2. Dedicated Service

Members should faithfully work towards developing programs to address the needs of the citizens in the course of their duties. Members should strive to perform at a level which is expected of those who work in the public's interest.

3. Conduct at Meetings

Members shall respect the chair, colleagues, Town administration and members of the public present during Council meetings or other proceedings of the Town. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making.

4. Release of Confidential Information Prohibited

No Member shall disclose or release to any member of the public any Confidential Information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Town to do so. Members shall not use confidential information for personal or private gain, or for the gain of any other person or corporation.

5. Gifts and Benefits

No Member shall show favoritism or bias toward any vendor, contractor or others doing business with the Town. Members shall not:

- a. Accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by him/her in the carrying out of his/her functions as a Members; or
- b. 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.

Members of Council are not precluded from accepting:

- a. Compensation or benefit authorized by Council;
- b. Rewards, gifts or benefits not connected with the performance or duties of office;
- c. Services provided without compensation by persons volunteering their time;
- d. Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards and commissions;

- e. Reasonable quantities of food and beverages consumed at banquets, receptions, ceremonies and similar events;
- f. Token gifts such as souvenirs and commemorative gifts that are given in recognition of service for attending an event; and
- g. Gifts received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office.

6. Use of Town Resources

No Member shall request or permit the use of Town-owned vehicles, equipment, materials, facilities or other Town Resources for personal convenience or profit, other than for carrying out the business of the local government or where such privileges are granted to the general public.

Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Town to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

Members shall ensure that the business of the Town is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources.

7. Obligations to Citizens

No Member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

8. Interpersonal Behaviour

Members shall treat every person, including other Members, Town administration, volunteers or individuals providing services on a contract for service, and the public with dignity, understanding and respect, and ensure that their work environment is free from discrimination, bullying and harassment in accordance with the Town's Respectful Workplace Policy.

No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, Town administration or any member of the public.

9. Community Representation

Members shall observe a high standard of professionalism when representing the municipality and in their dealings with members of the broader community.

Respect for Decision-Making Process

1. Decision-making authority lies with Council, and not with any individual Member. No Member shall, unless authorized by Council, attempt to bind the Town or give direction to employees, agents, contractors, consultants or other service providers or prospective vendors to the Town.
2. Members shall be aware of the following principles when exercising their decision-making authority:
 - a. Make decisions that are in the best interest of the Town as a whole;
 - b. Make decisions based on careful and objective consideration and review of the facts;
 - c. Ensure that objectivity, impartiality and transparency are emphasized in decision-making; and
 - d. Be accountable for the decisions made by Council.

3. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.
4. Members shall ensure they:
 - a. Focus on their governance role of providing leadership for the community in an open, accountable and transparent manner, establishing strategic direction and providing oversight of the local government;
 - b. 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.
 - c. 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.

Conduct Respecting Administration

1. Under the direction of the CAO, Town administration serves Council as a whole. No individual Member has executive authority over Town administration.
2. Members shall respect the fact that Town administration members work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of Council and administering the policies and programs of the Town, and that they are required to do so without Undue Influence from any Member or group of Members.
3. A Member must not:
 - a. Involve themselves in matters of Administration, which fall within the jurisdiction of the CAO;
 - b. Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any administration member with the intent of interfering in their duties; or
 - c. Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of administration members.

Use of Communication Tools

1. Electronic communication devices provided by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Members are hereby notified that there is no expectation of privacy in the use of these devices and further that:
 - a. All emails or messages sent or received on Town devices, as well as emails or messages relating to the public business of the Town sent on private devices, are subject to RTIPPA;
 - b. All files stored on Town devices, all use of internal email and all use of the Internet through the Town's firewall may be inspected, traced or logged by the Town; and
 - c. In the event of a complaint pursuant to this by-law, Council may require that any or all of the electronic communication devices provided by the Town to Members may be confiscated and inspected as part of the investigation, including downloading information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved.

2. No Member shall use any property, equipment, services or supplies of the Town, including email, Internet services, or any other electronic communication device, if the use could be considered offensive, inappropriate, or otherwise contrary to this by-law.

Use of Social Media

1. Once posted on social media, any material or comment is accessible to anyone with an Internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the Town, Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become inflamed very quickly.
2. No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the Town when using social media.
3. No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, and is defamatory or misleading in any way.
4. Where Members provide a personal view or opinion on social media. Members should take steps to ensure that such personal views or opinions are not construed to be those of the Town or Council as a whole.

Adherence to Policies, Procedures and By-laws

1. Members shall uphold the law established by the Parliament of Canada and the Legislature of New Brunswick and the by-laws, policies and procedures adopted by Council.
2. Members shall respect the Town as an institution, its by-laws, policies and procedures and shall encourage public respect for the Town, its by-laws and procedures.
3. A Member must not encourage disobedience of any by-law, policy or procedure of the Town in responding to a member of the public, as this undermines public confidence in the Town and in the rule of law.

Conflicts of Interest

1. Members have a statutory duty to comply with the Conflict of Interest provisions set out in Part 8 of the Local Governance Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
2. Members are committed to making decisions impartially and in the best interests of the Municipality and are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
3. It is the individual responsibility of each Member to seek independent legal advice, at the member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

Remuneration and Expenses

1. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
2. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal by-laws policies and procedures regarding claims for remuneration and expenses.

Election Campaigns

1. No Member shall use any facilities, equipment, supplies, municipal logo or other resources of the Town for any election campaign or campaign-related activity. No Member shall undertake campaign-related activities on Town property. No Member shall use the services of persons during working hours in which those persons receive any compensation from the Town.

Compliance with this Code of Conduct

Members are expected to adhere to the provisions of this Code. Council does not have the authority to disqualify or remove a Member from office; only a court of competent jurisdiction or the Minister of Environment and Local Government can do so. Council does, however, have the right to sanction a member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

Persons who have reason to believe that this by-law has been breached in any way are encouraged to bring their concerns forward. No Member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person who, in good faith, provides relevant information in relation to a possible violation of this by-law.

Informal Complaint Process

1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this by-law may address the prohibited conduct by:
 - a. Advising the Member that the conduct violates this by-law and encouraging the Member to stop;
 - b. Requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
 - c. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this by-law. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaint Process

1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this by-law may file a formal complaint in accordance with the following procedure:
 - a. All complaints shall be made in writing to Council and shall be dated and signed by an identifiable individual;
 - b. Any reported violations of this by-law will be subject to an investigation by Council. Council may retain an external consultant or panel with relevant experience to conduct an investigation and provide a report and recommendation to Council. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this by-law, and shall not obstruct any person in carrying out the objectives or requirements of this by-law, or investigating a possible breach of this by-law.
 - c. If an investigation finds a Member has breached a provision of this by-law, Council may take corrective actions which may include, but are not limited to, any of the following:
 - i. Letter of reprimand addressed to the Member;

- ii. Demand for a public apology;
- iii. Public reprimand through a motion of censure;
- iv. Removal from membership of a committee;
- v. A requirement to attend training;
- vi. Removal as chair of a committee;
- vii. Reduction or suspension of remuneration paid to the Member in respect of the Member's services;
- viii. Required return of Town property or reimbursement of its value;
- ix. Restrictions on access to Town facilities, property, equipment, services and supplies;
- x. Restrictions on contact with Town administration;
- xi. Restriction on travel and representation on behalf of Council; and
- xii. Restrictions on how documents are provided to the Member (e.g. no electronic copies, but only watermarked paper copies for tracking purposes).

Statement of Commitment

Members acknowledge the importance of the principles contained in this by-law which will be self-regulated by Council. Members are required to sign a "Statement of Commitment to the Code of Conduct By-law" (Attachment "A") within seven (7) calendar days of this by-law coming into force, and then within seven (7) calendar days of taking the oath of office pursuant to section 58 of the Local Governance Act.

Severability

Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

ORDAINED AND PASSED the 12th day of November, 2019

First Reading: October 15, 2019

Second Reading: November 12, 2019

Third Reading: November 12, 2019

Original by-law and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.

STATEMENT OF COMMITMENT TO THE CODE OF CONDUCT

I, (Full Name) _____ declare that, as a Member of Riverview Town Council, I have read and support the Code of Conduct By-law for elected officials.

Signed: _____

Declared this _____ day of _____, 20 _____

Before me:

Town Clerk