



Municipality of Grand Lake

BY-LAW No. 02-01

A Code of Conduct By-Law for the Council of the Municipality of Grand Lake

WHEREAS BY-LAW NO. 2 entitled A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF THE Municipality of Grand Lake was created on December 13, 2022;

AND WHEREAS Regulation 2024-48 entitled *Code of Conduct Regulation – Local Governance Act* requires council to update its by-law;

BE IT RESOLVED THAT pursuant to its authority under the *Local Governance Act*, the council of the Municipality of Grand Lake, duly assembled, makes the following by-law:

A By-Law to Amend the Municipality of Grand Lake CODE OF CONDUCT

Values

- 1 Members of council must perform their functions of office with **honesty, integrity, objectivity, impartiality and accountability**.

(1) Honesty

- a. Members of council have a duty to act truthfully, respectfully, politely and in good faith to serve the welfare and interest of the Municipality of Grand Lake as a whole.
- b. Members of council must be open to having frank, courteous and respectful communications with fellow members, staff and the public.

(2) Integrity

- a. Members of council have a duty to perform their functions of office with integrity, accountability and transparency.
- b. Members of council must always conduct themselves in a professional manner on municipal, regional and not for profit institutions to which they are associated.

(3) Objectivity

- a. Members of council have a duty to communicate appropriate information openly to the public about decision-making processes and issues being considered.

- b. Members of council must encourage public participation where appropriate, communicate clearly and allow for public scrutiny and feedback.

(4) Impartiality

- a. Members of council have a duty to serve and be seen to serve the welfare and interests of the Municipality of Grand Lake as a whole in a conscientious and diligent manner.
- b. Members of council must carry out their duties in accordance with all applicable legislation, bylaws and policies pertaining to their position as an elected official.

(5) Accountability

- a. Members of council have a duty to always conduct themselves in a professional and accountable manner.
- b. Members of council must accept responsibility for their individual actions and decisions and be respectful of decisions made by council as a whole.

Conflict of Interest

- 2 (1) Subject to subsection (2), each member of council must be familiar with the conflict of interest provisions under Part 8 of the *Local Governance Act*.

(2) Each member of council must complete schedule “A” within one (1) month of coming into office or the coming into force of this by-law.

Behaviour

- 3 (1) Members of council have a duty to treat fellow councillors, staff and the public with respect, concern and courtesy.

(2) Members of council must not engage in discrimination, bullying, harassment or use of derogatory language towards others in their roles.

(3) Members of council shall respect the chair, fellow members, staff and the public present during meetings to provide an environment for transparent and healthy debate on matters requiring decision-making.

(4) Members of council must not use indecent, abusive, or insulting words or expressions toward any other member, staff or the public.

(5) Members of council must not use, or attempt to use, their authority or position to influence staff with the intent of interfering in their duties.

(6) Members of council must not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff.

(7) In addition to (1) through (6), a member of council

- a. must not use their position for any purpose other than the exercise of their official duties, and
- b. must be familiar with the relevant federal and provincial laws and the Municipality of Grand Lake by-laws, policies and procedures, including, without limitation, the *Right to information and Protection of Privacy Act*.

Use of property, resources and services

- 4 (1) Members of council must not request or permit the use of property, resources and services for personal convenience or profit, except where such privileges are granted to the public.
- (2) Members must ensure that the business of the Municipality of Grand Lake is conducted with efficiency while avoiding waste, abuse and extravagance when providing or using municipal resources.
- (3) In addition to (1) and (2), a member of council must not use the Municipality of Grand Lake property, resources and services that is
- a. unreasonable or for purposes other than those intended,
 - b. for their personal gain, or
 - c. in support of a candidate in a local government election.

Public communications

- 5 (1) Members of council recognize that the mayor or, if unavailable, the deputy mayor speaks on behalf of council.
- (2) Members of council acknowledge that official information related to the decisions of council will be communicated by the mayor or, if unavailable, the deputy mayor, to the public and the media.
- (3) Members of council have a duty to accurately communicate the decisions of council, even if they disagree with council's decision to foster respect of the decision-making process.
- (4) Members of council recognize they are always representatives of the Municipality of Grand Lake including when engaging in social media activities and must identify when the views they express are their own and not those of council.
- (5) In addition to (1) through (4), a member of council must not
- a. make 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 Municipality of Grand Lake or a member of the public, and
- b. discloses confidential information of which the member becomes aware in the exercise of the member's duties concerning
 - i. the property, personnel or legal affairs of the Municipality of Grand Lake, or
 - ii. a member of council, an officer or employee of the local government or a member of the public.

Applicable laws

- 6 Each member of council must comply with applicable federal or provincial law or the Municipality of Grand Lake by-laws, policies and procedures in the performance of their duties.

PART 2 COMPLAINTS

- 7 (1) Nothing prevents a person who believes a member of council has contravened this by-law from first discussing it with the member.

Filing a Complaint

- (2) Any person may submit a complaint that a member of council has violated this by-law by using the complaint form found in Schedule B.
- (3) All complaints under (2) must be filed within 45 days of the date when the member is alleged to have contravened the by-law.
- (4) The complaint must be filed with the clerk's office, which must then be promptly forwarded to the Mayor for an initial review.
- (5) If the complaint involves the Mayor, the Deputy Mayor shall conduct the initial review. If the Deputy Mayor is also unable to consider the complaint, the Clerk's office shall ask council to select another member.

Initial Review

- (6) Upon receiving a written complaint, the Mayor shall:
 - a. notify the Member who is the subject of the complaint of the allegations made therein; and
 - b. review the written complaint as presented.
- (7) If, after conducting their initial review, the Mayor concludes that the complaint as presented

is filed after the required time period, the Mayor shall summarily dismiss the complaint.

- (8) If the Mayor summarily dismisses the complaint, the decision shall be provided in writing to both the complainant and member of council and set out the reasons why the complaint will be dismissed.
- (9) If the complaint is not summarily dismissed, the Mayor must refer the complaint to the clerk's office, who shall bring the matter before council at a closed meeting.
- (10) Either decision under (8) or (9) must be completed within 7 days of receiving the complaint.

Initial Review by Council

- (11) If, after conducting their initial review, the council concludes that the complaint as presented:
 - a. is, on its face, devoid of merit;
 - b. references an action or conduct that, even if committed, is clearly not a matter covered by this by-law; and/or
 - c. is frivolous, vexatious or made for an improper purpose,

the council shall summarily dismiss the complaint.

- (12) If the council summarily dismisses the complaint, the decision shall be provided in writing to both the complainant and member of council and set out the reasons why the complaint will be dismissed.
- (13) If the complaint is not summarily dismissed, the council must decide whether it will investigate or refer the matter to an external consultant with relevant experience to conduct an investigation and provide a report and recommendation to council.
- (14) A report under (13) must be returned to council within 3 months of council's decision.

Investigation by Consultant

- (15) An external consultant appointed by council under (13) must
 - a. meet with or otherwise communicate with the complainant to obtain whatever additional information, submissions and documentation they wish to provide,
 - b. meet with or otherwise communicate with the Member who is the subject of the complaint to obtain whatever additional information, submission and documentation they wish to provide,

- c. meet with or otherwise communicate with any others who might have knowledge of the complaint matter and consider any other material deemed relevant and
 - d. explore with the complainant and Member if the complaint can be resolved in a satisfactory manner.
- (16) If the complainant or Member refuses or fails to meet or otherwise communicate with the consultant under (15), the consultant must proceed with their review and produce a report detailing their findings, conclusions and recommendations.

Investigation by Council

- (17) If council conducts the investigation, the clerk will schedule a closed meeting where the complainant and member of council will be invited to attend and answer questions or clarifications from council.
- (18) In the closed session under (17), both the Member and complainant will have a right to be represented by counsel.
- (19) If council under (17) determines that a member has potentially violated this by-law, it must provide reasons to support such a determination in a report and direct that it be considered at a public meeting.

Report

- (20) A report produced under (16) or (19) must be prepared in a manner to address applicable privacy concerns and confidential information, including having due regard for the *Right to Information and Protection of Privacy Act* and matters that may have been before council in a closed meeting under 68 of the *Local Governance Act*.

PART 3 COUNCIL DECISION

- 8 (1) A report received under 7(16) or 7(19) must be brought before council at its next meeting.
- (2) Subject to (3) and (4) below, council must
- 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.
- (3) If the report under (1) deals with any of the matters referred to in subsection 68(1) of the *Local Governance Act*, the public may be excluded from the meeting for the duration of the

review under (2)a.

(4) The affected member of council shall not participate in any vote held under (2)b.

PART 4 CORRECTIVE ACTIONS

- 9 (1) Subject to (2) and in the case of a breach of a provision of the code of conduct, council may impose any corrective actions it deems appropriate, including, but not limited to,
- a. reprimanding the member of council,
 - b. requiring that the member of council issue a letter of apology,
 - c. requiring that the member of council attend training or counselling as directed by council,
 - d. suspending the member of council from exercising the powers or performing the duties conferred under section 48 of the Act,
 - e. reducing or suspending the member of council's compensation for the duration of any suspension imposed under paragraph (d), and
 - f. reducing or suspending the member of council's privileges, including travel or the use of resources, services or property of the local government.

(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*.

PART 5 EFFECTIVE DATE and REPEAL

- 10 This by-law shall come into force on the date it is passed, signed and sealed.
- 11 By-Law NO. 2 entitled “A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF Municipality of Grand Lake” enacted on December 13, 2022, and all amendments thereto, is hereby repealed and of no further force and effect.

Made and Passed

First Reading:
Second Reading:
Third Reading:

Signed and Sealed

Kevin Nicklin, Mayor

Andrea Mazerolle, Clerk

Schedule A

**DECLARATION OF FAMILIARITY
WITH THE
CONFLICT OF INTEREST PROVISIONS**

I, (full name) _____ declare that, as a member of council,

- I have read and understood Part 8 of the *Local Governance Act* 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 *Local Governance Act* within three (3) years on which the offence was, or is alleged to have been, committed.

Declared on _____ 20 _____

Signature

Before me _____
Clerk

A copy of this declaration is filed with the Clerk's office and may be subject to requests under the *Right to Information and Protection of Privacy Act*.

Schedule B

COMPLAINT FORM

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

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

When was 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 if necessary.

By signing below,

- I understand that this form may be sent to the member(s), council, an external consultant 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: (____) _____ - _____

_____ @ _____

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