

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH
AND NORTH RUSTICO

Code of Conduct Bylaw

Bylaw No. 2022-RM2

A Bylaw relating to the minimum expectations for the behaviour and conduct of the Resort Municipality's council members in carrying out their functions and making decisions for the Resort Municipality.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

1. Title

This Bylaw may be cited and referred to as the "Code of Conduct Bylaw".

2. Definitions

In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, R.S.P.E.I., 1988 Cap. M-12.1, as may be amended from time to time, or any successor act;
- (b) "Chief Administrative Officer" means the person appointed to that position by Council under the Act;
- (c) "Confidential Information" means information that could reasonably harm the interests of individuals or organizations, including the Resort Municipality if disclosed to persons who are not authorized to access the information and includes, but is not limited to, privileged information, personal information, third party information, technical, financial or scientific information and any other information collected, obtained or derived for or from the Resort Municipality's records that must or may be kept confidential;
- (d) "Council" means the council of the Resort Municipality;
- (e) "Councillor" means a member of the Council of the Resort Municipality, but excludes the Mayor;
- (f) "Deputy Mayor" means the Council member who is appointed by the Mayor to act as Mayor in the absence or illness of the Mayor;
- (g) "Disclosure Statement" means the Council Member Disclosure Statement prescribed by clause 107(2)(d) of the Act;
- (h) "Family Member" means, in relation to a person, a spouse, common law spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law,

father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, and includes a step-parent, step-child, child-in-law, sibling-in-law and half-sibling;

- (i) “Municipal Electoral Officer” means the person appointed under section 40 of the Act to be responsible for the administration of an election in the Resort Municipality;
- (j) “Paid Agent” means an individual who is remunerated to act for or in place of a party;
- (k) “Person Closely Connected” means, in relation to a member of Council, a Family Member or agent, a business partner or an employer of the Council member;
- (l) “Resort Municipality” means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico;
- (m) “Staff” includes the Chief Administrative Officer and all staff of the Resort Municipality, whether full-time, part-time, contract, seasonal or volunteer.

3. Application

3.1 This Bylaw applies to the Mayor and all members of Council.

3.2 The obligations imposed on members of Council in this Bylaw are in addition to any other obligations under the common law and under any federal, provincial or municipal laws or regulations applying to the conduct of Council members.

3.3 This Bylaw does not override, prevail over, or amend legislation applicable to the roles, responsibilities, and duties of members of Council.

4. Guiding Principles

4.1 Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.

4.2 Members of Council are expected to act lawfully. They are expected 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 business interests as a result of the member holding municipal office.

4.3 Members of Council have a duty to make decisions based on the best interests of the Resort Municipality as a whole.

4.4 Members of Council are responsible for the decisions that they make. Decision-making processes must be transparent and subject to public scrutiny.

4.5 Members of Council must act responsibly within the law and within the authority of the Act. All members of Council must observe the principles and obligations set forth in this Bylaw. All members of Council must disclose actual or potential conflict of interest relating to their public duties and take steps to resolve the conflict for the protection of the public interest.

4.6 Members of Council must demonstrate and promote the principles set forth in this Bylaw through their decisions, actions and behaviour to build and inspire the public's trust and confidence in municipal government.

4.7 Members of Council must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. Council members must refrain using derogatory language towards others, respect the rights of other people, treat people with courtesy and recognize the different roles others play in municipal government decision-making.

4.8 Members of Council have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered, encouraging appropriate public participation, communicating clearly and providing appropriate means for recourse and feedback.

5. General Conduct

5.1 Members of Council must adhere to the following principles and provisions:

- (a) members of Council must serve, and be seen to serve, their constituents in a conscientious and diligent manner;
- (b) members of Council must be committed to performing their functions with integrity and to avoiding conflicts of interest and the improper use of the influence of their office;
- (c) members of Council must not extend, in the discharge of their official duties, preferential treatment to Persons Closely Connected to them or organizations and groups in which they or Persons Closely Connected to them have a direct or indirect pecuniary interest;
- (d) members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
- (e) members of Council must seek to serve the public interest by upholding both the letter of the law and the spirit of applicable federal, provincial and municipal laws;
- (f) members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful;
- (g) members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, Staff and advisory body members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; and
- (h) members of Council must respect the role of Staff in the administration of the business affairs of the Resort Municipality.

6. Confidential Information

6.1 Members of Council must respect rules regarding confidentiality, disclosure and access to all personal information in the control of the Resort Municipality pursuant to the Resort Municipality's Access to Information and Protection of Privacy Bylaw.

6.2 Members of Council must not disclose or release by any means to any member of the public any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.

6.3 Members of Council shall not use confidential information for personal or private gain or for the gain any other person or entity.

6.4 Members of Council shall not access or attempt to gain access to confidential information in the custody of the Resort Municipality unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations and Council policy.

6.5 Council shall keep confidential any information that falls into the following or similar categories:

- (a) commercial information which, if disclosed, would likely be prejudicial to the Resort Municipality or parties involved;
- (b) information received in confidence which, if disclosed, would likely be prejudicial to the Resort Municipality or parties involved;
- (c) personal information, other than a person's address, that is protected under the Act; and
- (d) human resource matters.

7. Public Disclosure Statements

7.1 Each member of Council is required to file a Disclosure Statement with the Chief Administrative Officer within thirty (30) days of being elected.

7.2 Each Council member is required to amend the Disclosure Statement to reflect any subsequent changes to the information filed on the Disclosure Statement. Upon being notified of a change, the Chief Administrative Officer shall make amendments to the Council member's Disclosure Statement for the Council member to initial, including a notation stating the date on which the statement is amended.

8. Gifts and Benefits

8.1 No member of Council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of the Council member's duties of office, except for the following:

- (a) compensation authorized under the Resort Municipality's Remuneration Bylaw;
- (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a suitable memento of a function honouring the member of Council;
- (d) food, lodging, transportation and entertainment provided by another government or by a conference, seminar or event organizer where the member of Council is either speaking or attending in an official capacity at an official event;

- (e) food and beverages consumed at banquets, receptions or similar events;
- (f) communication to the offices of a member of Council, including subscriptions to newspapers, and periodicals; and
- (g) sponsorships and donations for community events organized or run by a member of Council or by a third party on behalf of a member of Council.

8.2 No member of Council shall accept the use of the Resort Municipality's property or facilities, at less than fair market value.

8.3 No member of Council shall sell property, goods and services to the Resort Municipality at higher than fair market value.

8.4 A fee or advance paid, or a gift or benefit provided, with the Council member's knowledge, to a Person Closely Connected to a Council member is deemed to be a gift to that Council member.

9. Use of Municipal Property, Equipment and Services

9.1 No member of Council shall use, or request the use of, any Resort Municipality property, including surplus material or equipment for personal convenience or profit, unless the property is:

- (a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
- (b) made available to the member of Council in the course of carrying out Council activities and duties.

9.2 No Member of Council shall use, or request the use of, for personal purpose any of the Resort Municipality's Staff services, property, equipment, services, supplies or other Resort Municipality-owned materials, other than for purposes connected with the discharge of municipal duties.

9.3 No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of Resort Municipality intellectual property developed or owned by the Resort Municipality.

9.4 Members of Council shall not use information, or attempt to use information, gained in the execution of their duties that is not available to the general public for any purposes other than carrying out their official duties.

9.5 No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the Resort Municipality, except in compliance with the Act and subject to this Bylaw and the Resort Municipality's Council Procedures and General Business Bylaw.

10. Reimbursable Expenses

10.1 Members of Council may claim reimbursement by the Resort Municipality for expenses in accordance with the process set forth in the Resort Municipality's Remuneration Bylaw.

11. Support for Charities

11.1 Members of Council may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups; however, all amounts raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group.

11.2 No Member of Council shall directly or indirectly manage or control any monies received relating to fundraising for registered charitable, not-for-profit and other community-based groups.

12. Election Campaigns

12.1 No member of Council shall use supplies, services, staff, the Resort Municipality's logo or other resources of the Resort Municipality for any election campaign or campaign-related activities.

12.2 A member of Council may only utilize a Resort Municipality facility or equipment in the same manner as any other candidate for an election campaign purpose.

12.3 All members of Council shall be respectful of the role of the Chief Administrative Officer and Municipal Electoral Officer in managing the municipal election process and shall not interfere with how the Chief Administrative Officer and Municipal Electoral Officer carry out their duties.

12.4 No member of Council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the Resort Municipality.

13. Planning or Procurement Proposals before Council

13.1 No member of Council shall solicit or accept support in any form from an individual, group or corporation that has any planning or procurement proposal before Council.

14. Improper Use of Influence

14.1 Members of Council shall not use the influence of their office for any purpose other than to exercise their official duties.

14.2 When a matter pertaining to the Resort Municipality is before any tribunal, members of Council shall not contact any tribunal members.

14.3 In matters relating to municipal administration, direction shall be given to the Chief Administrative Officer by Council as a whole rather than by individual members of Council.

15. Business Relations

15.1 No member of Council shall allow the prospect of that member's future employment by a person or entity to affect the performance of that member's duties to the Resort Municipality.

15.2 No member of Council shall act as a Paid Agent before Council or a committee of Council or any agency, board or committee of the Resort Municipality.

15.3 No member of Council shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

16. Conduct at Council Meetings

16.1 Members of Council shall conduct themselves with decorum at Council meetings in accordance with the provisions of the Resort Municipality's Council Procedures and General Business Bylaw.

17. Respectful Workplace

17.1 Members of Council shall encourage public respect for the Resort Municipality and its bylaws. All members of Council have a duty to treat members of the public, one another and Staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

18. Interactions of Council with Staff and Service Providers

18.1 Council has the responsibility to govern in accordance with the Act and regulations.

18.2 Council members must act in accordance with Resort Municipality's Council Procedures and General Business Bylaw and the conduct guidelines outlined in this Bylaw.

18.3 Members of Council shall be respectful of the role of Staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.

18.4 Members of Council must not direct or influence, or attempt to direct or influence any Resort Municipality Staff member in the exercise of the Staff member's duties or functions.

18.5 Pursuant to subsection 93.(6) of the Act, members of Council are to direct any inquiries to the Chief Administrative Officer rather than access staff directly. No Council member or member of a Council committee shall publicly or privately instruct or direct an employee of the Resort Municipality except through the Chief Administrative Officer. Members of Council are not to contact or issue instructions to any of the Resort Municipality's contractors, tenderers, consultants or other service providers.

18.6 Members of Council must not make public statements attacking or reflecting negatively on the Resort Municipality staff or invoke Staff matters for political purposes.

19. Employment of Persons Closely Connected to Members of Council

19.1 No member of Council shall attempt to influence any Resort Municipality employee to hire or promote a Person Closely Connected to the member.

19.2 No member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Person Closely Connected to the member.

20. Breaches, Complaint Handling and Internal Resolution

20.1 Members of Council are to abide by the requirements of this Bylaw and shall endeavour to resolve interpersonal disputes in good faith.

20.2 Before commencing the formal internal resolution procedure specified below, the member or members of Council who are a party or parties to an alleged contravention of this

Bylaw will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the Resort Municipality.

20.3 Alleged breaches of this Bylaw by a member of Council shall be submitted in a written complaint addressed to the Mayor and/or the Chief Administrative Officer within three (3) months of the last alleged breach.

20.4 In the event that the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor.

20.5 If the alleged contravention cannot be informally resolved, the Mayor will facilitate discussion between the parties.

20.6 If the matter is not satisfactorily resolved after mayoral facilitation, the Mayor, with the assistance of the Chief Administrative Officer will commence the formal internal resolution process by appointing an independent third party investigator who has the necessary professional skills, knowledge and experience to carry out the role and investigate the complaint in a fair and objective manner.

20.7 If the Mayor is involved in the alleged contravention of this Bylaw, then the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment of any third party investigator. All deliberations regarding alleged contraventions of this Bylaw should be conducted in confidence.

20.8 If a third party investigator is appointed, the parties:

- (a) shall provide reasonable assistance to the investigator if requested; and
- (b) must participate in good faith in the investigation.

20.9 The role of the investigator is to:

- (a) consider the alleged contravention of this Bylaw;
- (b) ensure that the parties involved are given relevant information in regard to the allegation;
- (c) ensure that the parties involved are given an opportunity to be heard by the investigator;
- (d) explore if the alleged contravention can be resolved between the parties without making any findings; and
- (e) failing resolution between the parties, the third party investigator will provide an investigation update within ninety (90) days of the investigator's appointment to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent.

20.10 The third party investigator will provide a written, confidential report of the findings of the investigation to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent, including findings as to whether there has been a breach of this Bylaw. The Chief

Administrative Officer will receive and retain all reports prepared in relation to breaches of this Bylaw.

20.11 Based on the findings in the report of the third party investigator, the Council will determine the most appropriate action to resolve the matter.

20.12 Council may, in accordance with section 107(3) of the Act:

- (a) dismiss the complaint;
- (b) require the member of Council to remove themselves from the meeting if conduct is deemed to be inappropriate;
- (c) reprimand the member of Council for a breach of this Bylaw;
- (d) suspend the remuneration paid to the member of Council in respect of that member's services as a member of Council for a period of up to 90 days;
- (e) request for an apology to Council, the complainant, or both;
- (f) impose a fine of not more than \$500; and/or
- (g) impose any other sanction that is recommended by the third party investigator, where so enabled in the Act.

21. Effective Date

This Bylaw comes into force on **July 28, 2022.**

First Reading:

This Bylaw was read a first time at the Council meeting held on the 18th day of July, 2022.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 18th day of July, 2022.

Second Reading:

This Bylaw was read a second time at the Council meeting held on the 28th day of July, 2022.

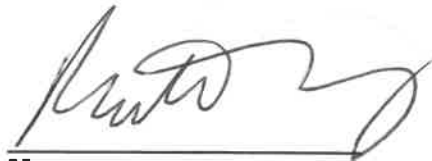
This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 28th day of July, 2022.

Adoption and Approval by Council:

This Bylaw was adopted by a resolution of Council at the Council meeting held on the 28th day of July, 2022.

The Code of Conduct Bylaw is declared to be passed on the 28th day of July, 2022.

WITNESS the corporate seal of the Resort Municipality.



Mayor



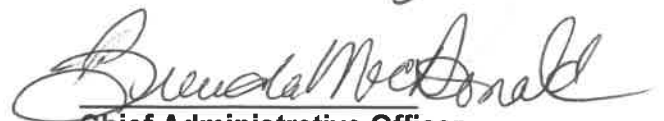
Chief Administrative Officer

BE IT RESOLVED THAT: Bylaw No. 2022-RM2, being a bylaw related to the minimum expectations for the behaviour and conduct of the Resort Municipality's Council members in carrying out their functions and making decisions for the Resort Municipality, is hereby enacted as a bylaw of the Resort Municipality and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 28th day of July, 2022.



Mayor



Chief Administrative Officer

Marine Drive • Waterfront • Marina • Boardwalk • North Shore



Harassment Complaint Form

1. Complainant Information:

Name: _____

Phone: _____

Job Title: _____

2. Information about the alleged harassment:

Date of Incident: _____

Name of Alleged Harasser: _____

Is the harassment a repeat occurrence? Yes _____ No _____

If yes, please provide dates of incidents.

Were there any witness(es) to the alleged harassment?
