



Title: Code of Conduct - Council	Internal/External: Internal/External
Department: Corporate Services	Policy Number: CS - 040
Approval Date: February 21, 2023	Implementation Date: February 21, 2023
	Motion Number: M23-063

BACKGROUND

This Code of Conduct applies to councillors acting in their official capacity as councillors, as well as a councillor's off duty conduct that is sufficiently connected to the office of councillor or that could reasonably discredit the reputation of the Town of Paradise (the "Town").

Councillors are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

OBJECTIVE/PURPOSE

The purpose of this Code of Conduct is to establish standards of conduct for councillors pursuant to Part III of the Municipal Conduct Act, 2022 (the "Act").

DEFINITIONS

"*CAO*" refers to the Chief Administrative Officer; the person appointed to the position of Manager under the Municipalities Act, 1999.

"*Councillor*" means any elected member of Town council, including the Mayor.

"*Municipal Official*" is defined to mean a councillor, the chief administrative officer, an employee of the town of Paradise, or any person acting with or without remuneration, under the direction of the Town of Paradise, including fire chiefs and fire fighters providing services for the Town.

GUIDELINES AND PROCEDURES

1. STANDARD OF CONDUCT

1.1. Standards of Professional Behaviour

1.1.1. Councillors must abide by the *Council's adopted Rules of Procedure*.

1.1.2. Councillors must work in the best interest of the Town without regard for their personal interests.

- 1.1.3. Councillors must act competently and diligently and perform at a level expected of those working in the public interest.
- 1.1.4. Councillors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during council meetings and proceedings of the Town of Paradise.
- 1.1.5. Councillors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.
- 1.1.6. Councillors must act in a manner which supports respectful, transparent, and informed debate.
- 1.1.7. Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 1.1.8. Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the Town.
- 1.1.9. Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

1.2. Use of Influence

- 1.2.1. Councillors must not communicate on behalf of the Town unless authorized by council or by virtue of a position or role the councillor has been authorized to undertake by council.
- 1.2.2. Councillors must only use the influence of their position for the exercise of their official duties.
- 1.2.3. Councillors must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.
- 1.2.4. Councillors are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the councillor in a conflict of interest.

1.3. Misuse of Public Assets and Fraud

- 1.3.1. Councillors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
- 1.3.2. Councillors must conduct the business of the Town of Paradise in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of resources.
- 1.3.3. Councillors must not request, use, or permit the use of Town-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public.

1.4. Confidentiality

- 1.4.1. Councillors must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Town to do so.
- 1.4.2. Councillors must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.
- 1.4.3. The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015** (“ATIPPA”).
- 1.4.4. Confidential information means information in the custody and/or control of the Town that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the Town generally considered to be of a confidential nature, including, but not limited to:
 - a. Any matter that falls under the exceptions to disclosure identified in the ATIPPA, whether or not a request for access has been made;
 - b. Personal information which would constitute an unreasonable invasion of privacy;
 - c. Potential acquisitions or disposition of real property;
 - d. Information which would reveal the substance of deliberation of a privileged meeting;
 - e. Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement;
 - f. Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
 - g. Employment and collective bargaining matters;
 - h. Legal matters;
 - i. Law enforcement matters.

1.5. Social Media

- 1.5.1. Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Town into disrepute.
- 1.5.2. Councillors must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting municipal business on personal devices or through personal accounts.

1.6. Harassment and Bullying

- 1.6.1. Councillors shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.
- 1.6.2. This Code of Conduct adopts the Town's Respectful Workplace & Harassment Prevention Plan (Policy No. SC-015). Specifically, complaints of harassment against Councillors can be made to the CAO (or to the Mayor if the complaint is about the CAO). Complaints brought in relation to harassment and bullying shall be brought exclusively under the Respectful Workplace & Harassment Prevention Plan.

1.7. Legislative Compliance

- 1.7.1. Councillors must reasonably comply with all obligations imposed on the municipal official by legislation, regulation, and municipal policy and procedures, including but not limited to:
 - a. Municipalities Act, 1999
 - b. Municipal Conduct Act
 - c. Municipal Elections Act
 - d. Public Procurement Act
 - e. Urban and Rural Planning Act, 2000
 - f. Access to Information and Protection of Privacy Act, 2015
 - g. Occupational Health and Safety Act
 - h. Human Rights Act, 2010, and,
 - i. Any accompanying regulations

1.8. No Adverse Actions or Reprisal

- 1.8.1. Councillors must take no action, and, to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

1.9. Allegations in Bad Faith

- 1.9.1. Councillors shall not file a complaint under this policy, which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.

1.10. Investigation

- 1.10.1. Councillors shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act, regulations, and this Code of Conduct.

2. CONDUCT COMPLAINT AND INVESTIGATION PROCEDURE

2.1. Receiving a Complaint

- 2.1.1. A complaint filed under this Code of Conduct shall be filed with the CAO.
- 2.1.2. Where the complainant is the CAO, the complaint shall be filed with the Mayor. Where the Mayor is the respondent, the complaint shall be filed with the Deputy Mayor. Where the CAO reasonably believes that neither the Mayor nor Deputy Mayor could act impartially and fairly, the CAO may consult with the Department of Municipal and Provincial Affairs (The Department).
- 2.1.3. Where the complainant is the CAO, the following process will still apply, but the Mayor will act as the CAO for the purpose of administering the complaint.
- 2.1.4. The complaint shall be in writing.
- 2.1.5. Notwithstanding section 2.2.4 a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
- 2.1.6. A complaint shall include the following:
 - a. The complainant's name;
 - b. The names of the person or persons the complaint is about;
 - c. summary of the complaint, and any steps taken to resolve it;
 - d. The date that the breach of the Code of Conduct occurred, if known; and
 - e. A description of how the complaint can be resolved, if applicable.
- 2.1.7. Notwithstanding section 2.1.6, a CAO may decide to keep the complainant's name and/or identifying information confidential from Council where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.
- 2.1.8. A complainant may withdraw their complaint in writing or by other means as per section 2.1.5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
- 2.1.9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.
- 2.1.10. A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

2.2. Informal Resolution

- 2.2.1. Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

- 2.2.2. ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.
- 2.2.3. Informal resolution efforts shall be concluded within 20 business days but may be extended for additional business days at the discretion of the CAO or with consent of both parties.

2.3. Referral to Council - Resolution or Agreement of Facts

- 2.3.1. As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall provide Council with a report within 20 business days. The report shall be in writing and shall outline the facts agreed to by the parties, the nature of the resolution, and any recommendations of the CAO, where applicable.
- 2.3.2. As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the councillor contravened the Code of Conduct.
- 2.3.3. Where the council determines that a councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15 of the Act.

2.4. Formal Investigation

- 2.4.1. Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the CAO, council may approve up to an additional 40 business days for the completion of an investigation.
- 2.4.2. The investigator will notify the respondent within five business days of the failure of informal resolution and provide copy of the complaint.
- 2.4.3. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.
- 2.4.4. The investigator will prepare a written report for council.
- 2.4.5. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion, and recommendations. The following format is flexible.
 - a. Introduction
 - b. Investigative Process
 - c. Background
 - d. Events before the incident
 - e. The incident(s)

- f. Events after the incident
- g. Evidence
- h. Analysis
- i. Decision
- j. Recommendation(s)

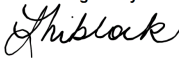
2.4.6. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a councillor contravened the code at a public meeting.

2.4.7. If council finds a councillor contravened the code, council may, by resolution, take an action as set out in Section 15 (Penalties) of the Municipal Conduct Act.

REVIEW OF POLICY

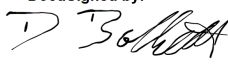
This policy may be subject to change at any time following new knowledge or new experience.

APPROVAL

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Chief Administrative Officer: _____

Date: February 27, 2023 | 9:38:37 AM NST

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Mayor: _____

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