



**TOWN OF POUCH COVE
MINUTES OF A REGULAR MEETING OF COUNCIL
TUESDAY SEPTEMBER 6, 2022**

Mayor:	Mark Vardy	Councillors:	Todd Vaters (absent)
Deputy Mayor:	Kara Connors		Danny Connors
			Erin Nugent
Chief Administrative Officer:	Brian Peach		Jennifer Noseworthy (absent)
Town Clerk & Program Coordinator:	Susan Arns		Kate Sullivan

1. CALL TO ORDER

Mayor M. Vardy called the meeting to order at 6:34pm.

2. ADOPTION OF THE AGENDA

22-140 Motion: *D. Connors/K. Connors*
Motion to approve the agenda as presented.
Motion: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

3. ADOPTION OF THE MINUTES

a. Regular Meeting – July 12, 2022

22-141 Motion: *E. Nugent/K. Connors*
Motion to approve the minutes of a Regular Council Meeting – August 8, 2022.
Motion: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

4. BUSINESS ARISING

a. Demolition Order & Plan for 369A & 369B Main Road

CAO B. Peach advised that the Pest Control has begun and is ongoing. Once that is completed, a hazardous inspection will be completed, then the removal will take place.

5. DELEGATE

No delegate.

6. CORRESPONDENCE

No delegate.

7. PUBLIC WORKS

a. Public Works Report

There is no Public Works Report.

b. MCW Approval – Pumphouse Upgrades

22-142 Resolution: *D. Connors/K. Connors*
BE IT RESOLVED that, we the Ultimate Recipient Town of Pouch Cove accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 26th day of August, 2022, Project number 17-GI-23-00005 – *Pumphouse Upgrades and Water Distribution Monitoring* with a total project value of \$ 143,888.00. This council agrees to provide the Ultimate Recipient share value of \$13,048.00 in funding for this project and authorizes the Mayor and Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Pouch Cove.
Resolution: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

c. MCW Approval – Multipurpose Court

22-143 Resolution: K. Connors/K. Sullivan

BE IT RESOLVED that, we the Ultimate Recipient Town of Pouch Cove accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 2nd day of September, 2022, Project number 17-CCR-23-00004 – Multipurpose Court with a total project value of \$ 146,935.00. This council agrees to provide the Ultimate Recipient share value of \$44,411.00 in funding for this project and authorizes the Mayor and Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Pouch Cove.

Resolution: Carried

For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

8. PLANNING & PROTECTIVE SERVICES

a. Planning & Protective Services Report

Councillor K. Sullivan reviewed the Planning & Protective Services Report.

22-144 Motion: E. Nugent/D. Connors

Motion to approve the Planning & Protective Services Report as presented.

Motion: Carried

For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

b. Fire Chief's Report

22-145 Motion: K. Connors/E. Nugent

Motion to approve the Fire Chief's Report as presented.

Motion: Carried

For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

Mayor M. Vardy declared conflict and left the chair. Deputy Mayor K. Connors assumed the chair at 6:51pm.

c. Permit Log

22-146 Motion: D. Connors/K. Sullivan

Motion to approve the Permit Log as presented for 22 Wesbill Place only.

PERMIT LOG JULY 14-SEPTEMBER 1, 2022

PERMIT NUMBER	DATE ISSUED	CIVIC ADDRESS	PERMIT TYPE	DESCRIPTION
2022-110	07-28-22	45 Cameron Place	Occupancy Permit	
2022-111	08-08-22	641 Main Road	General Repairs	Repair/replace roof
2022-112	09-08-22	859-861 Main Road	General Repairs	Repair siding doors, & lawn & misc.
2022-113	10-08-22	94 Gully Road	Site Clearing	Excavation of land
2022-114	10-08-22	37-39 Butler's Road	Site Clearing	Excavation of land
2022-115	12-08-22	824 Main Road	Site Clearing	Excavation of land
2022-116	12-08-22	45 Cameron Place	Accessory Building	16x24 accessory building
2022-117	15-08-22	38 Mundy's Road	Occupancy Permit	New house
2022-118	22-08-16	3 Jordans Lane	General Repair	Repairs to fence
2022-119	08-16-22	515A Main Road	Demolition Permit	Demolish existing house
2022-120	17-08-22	32-34 Mountain Crescent	Site Clearing	Clearing & Excavation of Land
2022-121	17-08-22	20-22 Mountain Crescent	Site Clearing	Clearing & Excavation of Land
2022-122	18-08-22	837 Main Road	General Repairs	General repairs
2022-123	08-22-22	35 Meetinghouse Road	General Development	New house
2022-124	08-22-22	35 Meetinghouse Road	Accessory Building	Shed 30x24x10'
2022-125	08-22-22	396 Main Road	General Repair	Put new door on existing garage
2022-126	08-23-22	975 Pouch Cove Line	General Repair	Shingle replacement
2022-127	26-08-22	19-27 Butler's Road	Site Clearing	Clearing & Excavation of Land
2022-128	26-08-22	33-35 Butler's Road	Site Clearing	Clearing & Excavation of Land
2022-129	26-08-22	22 Wesbill Place	Accessory Building	7x9
2022-130	29-08-22	1 Mundy's Road	General Repairs	As per application
2022-131	08-29-22	2-4 Central Hill	General Development	New house build
2022-132	09-01-22	11 Wesbill Place	General Repair	Putting new window and door in existing home

Motion: Carried

For: K. Connors, D. Connors, E. Nugent, K. Sullivan

Mayor M. Vardy returned to chair at 6:53pm.

- 22-147** Motion: *D. Connors/K. Sullivan*
Motion to approve the Permit Log as presented with all other permits issued.

PERMIT LOG JULY 14-SEPTEMBER 1, 2022

PERMIT NUMBER	DATE ISSUED	CIVIC ADDRESS	PERMIT TYPE	DESCRIPTION
2022-110	07-28-22	45 Cameron Place	Occupancy Permit	
2022-111	08-08-22	641 Main Road	General Repairs	Repair/replace roof
2022-112	09-08-22	859-861 Main Road	General Repairs	Repair siding doors, & lawn & misc.
2022-113	10-08-22	94 Gully Road	Site Clearing	Excavation of land
2022-114	10-08-22	37-39 Butler's Road	Site Clearing	Excavation of land
2022-115	12-08-22	824 Main Road	Site Clearing	Excavation of land
2022-116	12-08-22	45 Cameron Place	Accessory Building	16x24 accessory building
2022-117	15-08-22	38 Mundy's Road	Occupancy Permit	New house
2022-118	22-08-16	3 Jordans Lane	General Repair	Repairs to fence
2022-119	08-16-22	515A Main Road	Demolition Permit	Demolish existing house
2022-120	17-08-22	32-34 Mountain Crescent	Site Clearing	Clearing & Excavation of Land
2022-121	17-08-22	20-22 Mountain Crescent	Site Clearing	Clearing & Excavation of Land
2022-122	18-08-22	837 Main Road	General Repairs	General repairs
2022-123	08-22-22	35 Meetinghouse Road	General Development	New house
2022-124	08-22-22	35 Meetinghouse Road	Accessory Building	Shed 30x24x10'
2022-125	08-22-22	396 Main Road	General Repair	Put new door on existing garage
2022-126	08-23-22	975 Pouch Cove Line	General Repair	Shingle replacement
2022-127	26-08-22	19-27 Butler's Road	Site Clearing	Clearing & Excavation of Land
2022-128	26-08-22	33-35 Butler's Road	Site Clearing	Clearing & Excavation of Land
2022-129	26-08-22	22 Wesbill Place	Accessory Building	7x9
2022-130	29-08-22	1 Mundy's Road	General Repairs	As per application
2022-131	08-29-22	2-4 Central Hill	General Development	New house build
2022-132	09-01-22	11 Wesbill Place	General Repair	Putting new window and door in existing home

Motion: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

d. Accessory Building Application – 22A O'Keefe's Lane

- 22-148** Motion: *K. Connors/D. Connors*
Motion to approve Accessory Building Application for 22A O'Keefe's Lane as presented.
Motion: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

e. Accessory Building Application – 716 Main Road

- 22-149** Motion: *E. Nugent/K. Sullivan*
Motion to approve Accessory Building Application for 716 Main Road as presented.
Motion: *Carried*
For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

f. Development Regulations Amendment

- 22-150** Resolution: *D. Connors/K. Sullivan*
BE IT RESOLVED that the Town of Pouch Cove approve the proposed Development Regulations Amendment No 1, 2022 as presented.

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act, 2000, the Town Council of Pouch Cove.

a) Adopted the Pouch Cove Development Regulations Amendment No. 1, 2022 on the 12th day of July, 2022.

b) Gave notice of the adoption of the Town of Pouch Cove Development Regulations Amendment No. 1, 2022, by advertisement inserted on the 15th day of July and the 15th day of August, 2022 in The Northeast Avalon Times newspaper.

c) Set the 25th day of August at 7:30 p.m. at the Anglican Church Hall, Pouch Cove for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the Urban and Rural Planning Act, 2000, the Town Council of Pouch Cove approves the Town of Pouch Cove Development Regulations Amendment No. 1, 2022 as adopted (or as amended).

Resolution: *Carried*

For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

g. Municipal Plan Amendment

22-151 Resolution: *D. Connors/K. Connors*

BE IT RESOLVED that the Town of Pouch Cove approve the proposed Municipal Plan Amendment No 1, 2022 as presented.

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act, 2000, the Town Council of Pouch Cove.

a) Adopted the Pouch Cove Municipal Plan Amendment No. 1, 2022 on the 12th day of July, 2022.

b) Gave notice of the adoption of the Town of Pouch Cove Municipal Plan Amendment No. 1, 2022, by advertisement inserted on the 15th day of July and the 15th day of August, 2022 in The Northeast Avalon Times newspaper.

c) Set the 25th day of August at 7:30 p.m. at the Anglican Church Hall, Pouch Cove for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the Urban and Rural Planning Act, 2000, the Town Council of Pouch Cove approves the Town of Pouch Cove Municipal Plan Amendment No. 1, 2022 as adopted (or as amended).

Resolution: *Carried*

For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

h. Subdivision Agreement Application Fee Policy

22-152 Motion: *K. Sullivan/D. Connors*

Motion to approve the Subdivision Agreement Application Fee as presented.

Motion: *Carried*

For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

A copy of the Subdivision Agreement Application Fee Policy is attached.

9. RECREATION AND COMMUNITY SERVICES

a. Recreation & Community Services Report

Deputy Mayor K. Connors reviewed the Recreation & Community Services Report.

22-153 Motion: *K. Sullivan/D. Connors*

Motion to approve the Recreation & Community Services Report as presented.

Motion: *Carried*

For: *M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan*

10. FINANCE AND HUMAN RESOURCES

a. Finance & Human Resources Report

There is no Finance & Human Resources report.

b. CAO Report

22-154 Motion: D. Connors/E. Nugent
Motion to approve the CAO report as presented.
Motion: Carried
For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

c. Accounts Payables Listing

22-155 Motion: K. Connors/K. Sullivan
Motion to approve Accounts Payable List as presented.
Motion: Carried
For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

d. Code of Conduct - Councillors

22-156 Resolution: K. Sullivan/K. Connors
BE IT RESOLVED the Town of Pouch Cove adopt the Code of Conduct for Councillors as presented.
Resolution: Carried
For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

A copy of the Code of Conduct for Councillors is attached.

e. Code of Conduct – Municipal Officials

22-157 Resolution: K. Connors/E. Nugent
BE IT RESOLVED the Town of Pouch Cove adopt the Code of Conduct for Municipal Officials as presented.
Resolution: Carried
For: M. Vardy, K. Connors, D. Connors, E. Nugent, K. Sullivan

A copy of the Code of Conduct for Municipal Officials is attached.

11. NEW BUSINESS

Councillor D. Connors expressed thanks to outgoing CAO Brian Peach for all the work he has done for the Town of Pouch Cove over the past 4 years. The Town wishes him good luck in his new position in Portugal Cove-St. Philips.

12. ADJOURNMENT

22-158 Motion: D. Connors
There being no further business, the meeting was adjourned at 7:37pm.



Susan Arns
Town Clerk & Program Coordinator



Mark Vardy
Mayor



TOWN OF POUCH COVE

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PLANNING & PROTECTIVE SERVICES MEETING AUGUST 29, 2022 5:50PM

Attendees:

Councillor Jennifer Noseworthy
Councillor Todd Vaters
Mayor Mark Vardy
CAO Brian Peach

1. Planning and Development

The committee discussed amending the fee structure for subdivision development. Currently the fee is \$200/lot payable at the time of application. After review, the committee believes the fee should be reduced to \$100/lot at time of application, and the remaining \$100/lot payable after the application for development has been approved.

2. Demolition Order

The committee discusses the current status of the demolition order for 369 Main Road. Orkin Canada is currently completing a pest management program. A Demolition Grade Hazardous Materials Assessment is to be completed on Monday, September 12 (\$2050+HST) as there has been asbestos identified on the property. The committee is proposing to reissue the call for quotes for demolition after the new abatement quotes are received.

3. TVDI/K&P

The committee discussed the latest correspondence from TVDI/K&P "Cameron Place Ext", asking for a preliminary review to determine the potential for a proposed expanded development area to develop 7 additional building lots. The committee is recommending that no further development on Cameron Place be granted until Alan Flynn's subdivision development is completed.

4. Clear Cutting Around Shoe Cove Pond

The committee discussed recent correspondence from a resident living in The Vales, asking if they could cut a path to the pond. The Council is unable to give permission for clearcutting in the management area, and will subsequently send a letter explaining the reasoning. Additionally, a letter from the Mayor will be sent to the Department of Wildlife (Wildlife Officer Jonathan Sharpe), asking for enforcement with the Cameron Place who has clear cutted to the pond and disregarded all previous communication to rectify the situation.

Meeting adjourned 6:35pm



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RECREATION & COMMUNITY SERVICES MEETING AUGUST 15, 2022 6:00PM

Attendees:

Deputy Mayor Kara Connors
Councillor Erin Nugent
Mayor Mark Vardy
Town Clerk & Program Coordinator Susan Arns

1. Funding Opportunities

Community Addictions Prevention & Mental Health

The committee would like to look into receiving funding from this initiative to possibly host a Mental Health First Aid course. This funding is available for up to \$5000.

2. Council & Staff Social & Farewell to CAO

The committee has decided to have a summer council and staff BBQ with a farewell to our CAO Brian Peach. We can possibly have the Montana's Food Truck; Susan will call to confirm. The committee also suggested a parting gift for Brian to be a print as per the previous gifts given in the past.

3. Accessible Entrance

The committee suggests removing the stairs on the structure to lower costs for the project, and possibly having them installed next year under the Community Development program budget. The committee also would like to wait for construction until we possibly receive more funding. Brian has applied for a second source of funding for the project.

4. Memorial Field

The ladies' league has noticed there has been some rodent activity in the grassy banks along the side of the field. The committee suggests having the Public Works staff cut down the grass and bushes to clean up the area and perhaps disrupt the rodents so they will leave the area. Susan will create a workorder to have this work completed.

The committee also would like to request a net for the 1st base line of Memorial field to alleviate foul balls from ending up lost in the grass/bank. This can be purchased and installed for next year.

5. Recreation Commission

The committee would like to re introduce the Pouch Cove Recreation Commission. Advertisement for a meeting will be sent out for the end of September. The commission can be made up of full-time volunteers, part time helpers or just an option for residents to share some ideas they want to see. This meeting will be for recreational input for the Town and we can review the survey results received at the beginning of the summer.

6. Upcoming Activities

- Music Classes with Terrilyn Pickett

- Dance Classes with Gillian Lacey
- Paint Classes with Lesley Janes
- Metabolic Madness with Kady Crocker
- Terry Fox Run September 18

The Committee would also like to look into starting a learn to run program.

7. Multipurpose Court

We are currently still waiting to hear on the funding approvals. Brian has the SOW completed for when the approvals are received.

8. Skating Loop for 2022/2023

The committee recommends that we start our plans for our skating loop as soon as possible as the PW staff will have to start construction in the fall. Susan will discuss the details with Scott.

9. Other

The committee would like to explore the idea of having a mascot for the Town of Pouch Cove and to possibly have a contest in the Fall to get residents involved in the process.

Meeting was adjourned at 6:50pm.



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CODE OF CONDUCT – MUNICIPAL OFFICIALS

1. Introduction

The purpose of this Code of Conduct is to establish rules of conduct for municipal officials. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of municipal officials and sets out minimum requirements for the Code of Conduct.

Municipal officials 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

2. Application

This Code of Conduct applies to municipal officials acting in their official capacity as municipal officials, as well as a municipal official's off-duty conduct that is sufficiently connected to their position or that could reasonably discredit the reputation of the Municipality.

For the purpose of this Code of Conduct, Municipal Official is defined to mean a chief administrative officer, an employee of a municipality, or any person acting with or without remuneration, under the direction of a municipality, including fire chiefs and fire fighters providing services for or to a municipality.

This Code of Conduct is intended to set out the expectations on municipal officials, and to be read in conjunction with any applicable employment policies or collective agreements. Nothing in this Code of Conduct is to be read in a way to limit an employer's ability to manage the workplace or discipline employees for a breach of this Code of Conduct, regardless of whether a complaint has been made, in accordance with applicable labour and/or employment law.

Interpretation: For the purpose of this policy, Chief Administrative Officer of CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

PART I
Standards of Conduct

3. Standard of Conduct:

3.1. Standards of Professional Behaviour

- 3.1.1.** Municipal officials must adhere to the policies and procedures of the Municipality.
- 3.1.2.** Municipal officials must work in the best interest of the municipality without regard for their personal interests.
- 3.1.3.** Municipal officials must act competently and diligently and perform at a level expected of those working in the public interest.
- 3.1.4.** Municipal officials shall respect other municipal officials, Council, councillors, and members of the public.
- 3.1.5.** Municipal officials must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 3.1.6.** Municipal officials must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 3.1.7.** Municipal officials may not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

- 3.2.1.** Municipal officials must only use the influence of their position for the exercise of their official duties.
- 3.2.2.** Municipal officials must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of any person.
- 3.2.3.** Municipal officials 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 official in a conflict of interest.

3.3. Misuse of Public Assets and Fraud

- 3.3.1.** Municipal officials 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.
- 3.3.2.** Municipal officials must conduct the business of the municipality in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- 3.3.3.** Municipal officials must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the CAO.

3.4. Confidentiality

- 3.4.1.** Municipal officials must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.
- 3.4.2.** Municipal officials 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.
- 3.4.3.** 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**.
- 3.4.4.** Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the municipality 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 **Access to Information and Protection of Privacy Act (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.

3.5. Social Media

3.5.1. Municipal officials must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

3.5.2. Municipal officials 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.

3.6. Harassment and bullying

3.6.1. The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

3.6.2. Municipal officials must not engage in harassment or bullying.

3.6.3. All municipal officials 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.

3.6.4. Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- b) Discriminatory harassment – harassment that is based on actual or perceived prohibited ground of discrimination as outlined in the **Human Rights Act, 2010**, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.
- c) Sexual harassment – harassment which is gender-based or of a sexual nature.
- d) Bullying – a repeated pattern or mistreatment aimed at a specific person or group.

3.7. Legislative Compliance

3.7.1. A municipal official 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

3.8. No Adverse Actions or Reprisals

3.8.1. Municipal officials must take no action, and must 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.

3.9. Allegations in Bad Faith

3.9.1. A municipal official 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.

3.10. Investigation

3.10.1. A municipal official 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.

4. Conduct Complaint and Investigation Procedure

4.1. Process

4.1.1. When a complaint is submitted alleging a breach of conduct under sections 3.2 (use of influence), 3.3 (use of public resources or fraud), or 3.6 (harassment and bullying) the Chief Administrative Officer (CAO) shall follow the procedure set out here.

4.1.2. When a complaint is received regarding another section of the Code of Conduct, the procedure followed is subject to the discretion of the CAO.

4.2. Receiving a Complaint

4.2.1. A complaint filed under this Code of Conduct shall be filed with the CAO.

4.2.2. In the event that the complainant or respondent is the CAO, the complaint shall be filed with the Mayor.

4.2.3. Where the complainant or respondent is the CAO, the following process will still apply, but the Mayor will act as the CAO for the purpose of administering the complaint.

4.2.4. The complaint shall be in writing.

4.2.5. Notwithstanding section 4.2.4 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.

4.2.6. A complaint shall include the following:

- a) The complainant's name;
- b) The names of the person or persons the complaint is about;
- c) A 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.

4.2.7. Notwithstanding section 4.2.6, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.

4.2.8. A complainant may withdraw their complaint in writing or by other means as per section 4.2.5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

4.2.9. 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.

4.2.10. 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, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

4.3. Informal Resolution

- 4.3.1.** 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).
- 4.3.2.** 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.
- 4.3.3.** Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

4.4. Resolution or Agreement of Facts

- 4.4.1.** Where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall write a report and either dismiss the complaint or make a determination that an official contravened the Code of Conduct.
- 4.4.2.** Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct.
- 4.4.3.** The CAO or Council may decide upon appropriate penalties in accordance with applicable labour and/or employment law.

4.5. Formal Investigation

- 4.5.1.** 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.
- 4.5.2.** The investigator will notify the respondent within five business days of the failure of informal resolution and provide copy of the complaint.
- 4.5.3.** The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.
- 4.5.4.** The investigator will prepare a written report for council.

4.5.5. 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. The report may include recommendations.

4.5.6. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

4.5.7. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour law.

5. Conflict of Interest

5.1. Disclosure Statements

5.1.1. A conflict of interest is defined as per section 5 of the Act.

5.1.2. The CAO will file a disclosure statement in accordance with section 4(2) of the Act.

5.1.3. Department heads and those reporting directly to Council shall file disclosure statements with the CAO, in the form set out in subsection 4(3) of the Act. However, disclosure statements from spouses of these municipal officials are not required.

5.1.4. Disclosure statements shall be filed with 30 days of employment, and on or before March 1 each year.

5.1.5. Where there is a change in the information contained in employee disclosure statements, the official must report the change(s) to the CAO within 60 days of becoming aware of the change(s).

5.2. Suspicion of Conflict of interest

5.2.1. Where a municipal official suspects they may be in a conflict of interest as defined by section 5 of the Act:

- a) If the official is the CAO or reports directly to council, the CAO or official must disclose the suspected conflict of interest directly to Council and Council shall determine, within a privileged meeting, whether the CAO or official is in a conflict of interest;
- b) All other officials, including volunteers, must disclose their suspicion to the CAO, and the CAO shall determine whether the official is in a conflict of interest.

5.3. Conflict of Interest Complaints

5.3.1. Where an individual believes a municipal official has acted in a conflict of interest, the individual may file a complaint with the CAO.

5.3.2. Where an individual believes a CAO has acted in a conflict of interest, the individual may file a complaint with Council.

5.3.3. A complaint shall be in writing and shall include the following information:

- a) The complainant's name;
- b) The nature of the conflict of interest; and
- c) the municipal officials actions in relation to the conflict of interest.

5.3.4. Notwithstanding section 5.3.3., 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.

5.4. Conflict of Interest Investigations

5.4.1. For complaints relating to the CAO, a department head, or an employee reporting directly to council, the procedure below will be followed.

5.4.2. Where a complaint is received relating to another employee, the process followed shall be at the discretion of the CAO.

5.4.3. Where the complaint relates the CAO, Council shall fill the role of the CAO in the procedure outlined below.

5.4.4. The CAO shall send a copy of the complaint to the respondent within five business days after receipt of the complaint.

5.4.5. The respondent may provide a written response to the CAO no later than twenty business days after receipt of a copy of the complaint. The respondent shall be advised that their response will be provided to the complainant.

5.4.6. Where there is a written response, the CAO shall send a copy to the complainant within one business day after receipt of the written response.

5.4.7. The CAO shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten business days after the time period to file the written response has expired, and must:

- a) prepare a written report of the complaint;
- b) refer the complaint to Council, along with a copy of the report, to consider in a privileged meeting;

- c) advise the complainant in writing, that Council is considering the complaint;
- d) within fifteen business days after receiving the report, Council may, by resolution, advise the CAO to:
- e) dismiss the complaint;
- f) make a determination that the municipal official acted in a conflict of interest; or
- g) order a third-party investigation to determine whether the municipal official acted in a conflict of interest.

5.4.8. Where a complaint is made against a CAO, complaints will be made to council. Council will investigate the complaint in the manner described above.

5.4.9. Where a municipal official has been found to be in a conflict of interest, whether through their own disclosure or by complaint and investigation, the CAO and/or council shall take appropriate actions to resolve the conflict of interest. This may include removal of the municipal official from particular duties, decisions, or discussions, or evaluating an affected decision.

5.4.10. Notwithstanding section 5.4.8. and 5.4.9, and in accordance with section 18(5) of the Act, the CAO may provide advice to Council on a matter in which the CAO has a conflict of interest where:

- a) The CAO disclosed the conflict of interest and the nature of the conflict of interest to the council; and
- b) The council made the request for advice knowing of the CAO's conflict of interest.

5.4.11. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour and/or employment law.



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CODE OF CONDUCT – COUNCILLORS

1. Introduction

The purpose of this Code of Conduct is to establish standards of conduct for councillors. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of members of council, and sets out minimum requirements for the Code of Conduct.

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.

2. Application

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 Municipality.

Interpretation: For the purpose of this policy, Chief Administrative Officer or CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

3. Standards of Conduct:

Standards of Professional Behaviour

- 3.1.1. Councillors must abide by the Council's Rules of Procedure.
- 3.1.2. Councillors must work in the best interest of the municipality without regard for their personal interests.
- 3.1.3. Councillors must act competently and diligently and perform at a level expected of those working in the public interest.
- 3.1.4. 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 municipality.
- 3.1.5. 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.
- 3.1.6. Councillors must act in a manner which supports respectful, transparent, and informed debate.

- 3.1.7. Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 3.1.8. Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 3.1.9. Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

- 3.2.1. Councillors must only use the influence of their position for the exercise of their official duties.
- 3.2.2. 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.
- 3.2.3. 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.
- 3.2.4. Councillors must not communicate on behalf of the Municipality unless authorized by council or by virtue of a position or role the councillor has been authorized to undertake by council.

3.3. Misuse of Public Assets and Fraud

- 3.3.1. 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.
- 3.3.2. Councillors must ensure that the business of the municipality is conducted efficiently and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- 3.3.3. Councillors must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public.

3.4. Confidentiality

- 3.4.1.** Councillors must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.
- 3.4.2.** 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.
- 3.4.3.** 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, 2015).
- 3.4.4.** Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the municipality 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 **Access to Information and Protection of Privacy Act**, whether or not a request for access has been made.
 - b) Personal information the disclosure of 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.

3.5. Social Media

- 3.5.1.** Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

- 3.5.2.** Councillors must, where possible, conduct municipal business through official accounts and devices and avoid conducting council business on personal devices or through personal accounts.

3.6. Harassment and bullying

- 3.6.1.** The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

- 3.6.2.** Councillors must not engage in harassment or bullying.

- 3.6.3.** All members of Council 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.

- 3.6.4.** Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- b) Discriminatory harassment – harassment that is based on actual or perceived prohibited grounds of discrimination as outlined in the **Human Rights Act, 2010**, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.
- c) Sexual harassment – harassment which is gender-based or of a sexual nature.
- d) Bullying – a repeated pattern of mistreatment aimed at a specific person or group.

3.7. Legislative Compliance

- 3.7.1.** A councillor must reasonably comply with all obligations imposed on councillors 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**

3.8. No Adverse Actions or Reprisals

- 3.8.1.** Council or councillors must take no action, and must 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.

3.9. Allegations in Bad Faith

- 3.9.1.** A councillor or municipal official 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 ultimately determined to be unfounded.

3.10. Investigation

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

Part 2

Code of Conduct Complaint and Investigation Process

Receiving a Complaint

1. A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO).
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).
3. Where the complainant is the CAO, the following process will still apply, but the Mayor or Deputy Mayor will act as CAO for the purpose of administering the complaint.
4. The complaint shall be in writing.
5. Notwithstanding section 2, a complaint may be made by other 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.
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) A summary of the complaint, and any steps taken to resolve it
 - d) The date that the breach of the code occurred, if known
 - e) A description of how the complaint can be resolved, if applicable
7. Notwithstanding section 4, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.
8. A complainant may withdraw their complaint in writing or by other means as per section 5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
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 through the Minister's Office.
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, or where it is reasonable to do so, taking into account the public interest.

Informal Resolution

11. 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).
12. 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.
13. Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

Referral to Council - Resolution or Agreement of Facts

14. 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.
15. 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.
16. Where the council determines that a councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15.

Formal Investigation

17. 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.
18. The investigator will notify the respondent within five business days of the failure of informal resolution and provide a copy of the complaint.
19. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.
20. The investigator will prepare a written report for council.

21. 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 but may be of assistance. .

- 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)

22. 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.

23. 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**.