



CITY OF CORNER BROOK

Policy Statement

Index	Council and Administration	Section	Procedure		
Title	Code of Conduct for Mayor and Councillors	Policy Number	13-02-06	Authority	Council
Approval Date	10 May 2021	Effective Date	10 May 2021	Revision Date	

Purpose and Application:

The purpose of this policy is to establish standards for the ethical conduct of Councillors relating to their roles and obligations as the elected representatives of their community and a procedure for the investigation and enforcement of those standards.

Definitions

The following words when used in this Policy shall have the following meaning unless otherwise indicated:

1. The “City” shall mean the City of Corner Brook as incorporated & continued under the *City of Corner Brook Act RSNL 1990 Ch. C-15*;
2. “Council” shall mean the Corner Brook City Council as incorporated and continued under the *City of Corner Brook Act RSNL 1990 Ch. C-15*; and
3. “Councillor(s)” shall include the Mayor and Deputy Mayor unless the context indicates otherwise.

Representing their Constituents

Councillors shall:

- a) Act honestly and, in good faith, serve the greater good of their community;
- b) Perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;

- c) Conduct themselves in a professional manner and refrain from any conduct that may be considered to be irregular, improper or improvident conduct of a municipal councilor; and
- d) Not be derelict in their duties and make every effort to participate in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.

Communicating on Behalf of the City

A Councillor must not claim to speak on behalf of the Council or the City unless authorized to do so.

Unless Council otherwise authorizes, the Mayor is the official spokesperson for the City and Council and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official position of the City or Council on an issue shall be referred to the official spokesperson unless otherwise referred to the City manager or other staffperson in accordance the City's Media Relations-News Media Policy.

A Councillor who is authorized to act as official spokesperson must ensure that their comments accurately reflect the official position and will of the City and/or Council, even if the Councillor personally disagrees with and/or voted against the official position. However, nothing herein prevents a Councillor from indicating that they voted against the official position of the City and/or Council and their reasons why.

No Councillor shall make a statement as official spokesperson when they know the statement is false.

No Councillor shall make a statement as official spokesperson with the intent to mislead Council or members of the public.

Respecting the Decision-Making Process

Decision making authority lies with Council, and not with any individual Councillor.

No Councillor shall, unless authorized by Council, make any promise or offer any favour on behalf of the City, attempt to bind the City, or give direction to employees, agents, contractors, consultants or other service providers or prospective vendors to the City.

Adherence to Policies, Procedures and Bylaws

In the course of fulfilling their duties as an elected official, Councillors shall abide by all applicable laws, including those established by the Government of Canada, the Government of Newfoundland and Labrador and the Regulations of the City of Corner Brook including but not limited to the following & any similar or successor legislation:

1. *City of Corner Brook Act, RSNL 1990 ch. C-15*, including those provisions respecting conflicts of interest, dereliction of duties & tax arrears;

2. *Criminal Code of Canada, RSC 1985 c. C-46*, including those provisions respecting influence peddling, hate propaganda, harassment, defamatory libel, sedition, and uttering threats;
3. *Municipal Affairs Act, 1995 Ch. M-20.1*, including those provisions restricting councilors from acting in an irregular, improvident, or improper manner;
4. *The Constitution Act 1982* (the Canadian Charter of Rights & Freedoms);
5. *Human Rights Act, 2010 SNL 2010 Ch. H-13.1*; and
6. *Access to Information and Protection of Privacy Act, 2015 SNL 2015 Ch. A-1.2*

A councilor must not encourage disobedience of any Regulations of the City in responding to a members of the public, as this undermines public confidence in the City and in the rule of law.

Respectful Interaction with Council Councillors, Staff, the Public and Others

Councillors shall treat one another in a respectful and professional manner befitting of a municipal Councillor.

In interaction with employees and contractors of the City, Councillors shall comply with all contracts/collective bargaining agreements that are in place between the City and its employees/contractors, and shall comply with all policies of the City, including but not limited to those policies & contract/collective bargaining provisions that provide for respectful workplaces that are free from harassment and bullying.

No Councillor shall act in the course of their duties in a manner that is discriminatory to any individual based on the persons's race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, mental or physical disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.

Councillors must not:

- a) Involved themselves in matters of Administration, which fall within the jurisdiction of the City Manager;
- b) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the City with the intent of interfering in the employee's duties;
or
- c) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the City.

Confidential Information

Councillors must keep in confidence matters disclosed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public or once the matter is communicated by City staff to the public via media release or social media post.

Councillors shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

No Councillor shall use confidential information for personal benefit or for the benefit of any other individual or any other organization.

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

- a) The security of the property of the City;
- b) A proposal or pending acquisition or disposition of land or other property;
- c) A tender that has or will be issued but has not been awarded;
- d) Contract negotiations;
- e) Employment and labour relations;
- 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) Law enforcement matters;
- h) Litigation or potential litigations, including matters before administrative tribunals; and
- i) Advice that is subject to solicitor-client privilege.

Conflicts of Interest

Councillor shall comply with the statutory duties prescribed in sections 22-26 of the City of Corner Brook Act regarding Conflict of Interest.

Councillors are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

Councillors shall approach decision-making with an open mind that is capable of persuasion and free from considerations that would result in a judicial finding of influence peddling and/or abuse of power.

Improper Use of Influence

No Councillor shall use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.

Use of Municipal Assets and Services

Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performances of their duties as a Councillor, subject to the following limited exceptions:

- a) Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Councillor for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- b) Electronic communication devices, including but not limited to desktop computers, laptops tablets and smartphones, which are supplied by the City to a Councillor, may be used by the Councillor for personal use, provided that the use is not for personal gain, offensive or inappropriate.

Orientation and Other Training Attendance

Every Councillor must attend the orientation training offered by the City within 90 days after the Councillor takes the oath of office.

Unless excused by the Council, every Councillor must attend any other training organized at the direction of Council for the benefit of Councillors throughout the Council term.

Remuneration and Expenses

Councillors shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal regulations, policies and procedures regarding claims for remuneration and expenses.

Gifts and Hospitality

Councillors shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligations, provided that the value of the hospitality, gift or benefit does not exceed \$100.

Gifts received by a Councillor on behalf of the City as a matter of official protocol which have significance or historical value for the City shall be left with the City when the Councillor ceases to hold office.

Election Campaigns

No Councilor shall use any facilities, equipment, supplies, services, municipal logo or other resources of the City for any election campaign or campaign-related activity.

Informal Complaint Process

Any Councillor who has identified or witnessed conduct by a Councillor that the person reasonably believes, in good faith, is in contravention of this policy may address the prohibited conduct by:

- a) Advising the Councillor that the conduct violates this policy and encouraging the Councillor to stop;
- b) Requesting the Mayor to assist in informal discussion of the alleged complaint with the Councilor in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this policy. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaint Process

Any Councillor who has identified or witnessed conduct by a Councillor that the person reasonably believes, in good faith, is in contravention of this policy may file a formal complaint in accordance with the following procedure:

- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- b) All complaints shall be addressed to the City Manager;
- c) The complaint must set out reasonable and probable grounds for the allegation that the Councillor (the Respondent) has contravened this policy, including a detailed description of the facts, as they are known, giving rise to the allegation;

- d) If the facts, as reported, include the name of one or more Councillors who are alleged to be responsible for the breach of this policy, the Councillor or Councillors concerned shall receive a copy of the complaint submitted to the City Manager;
- e) The City Manager shall engage an independent Investigator, who will be required to...
 - i. review the complaint and this policy;
 - ii. in collaboration with the City Manager, identify and interview appropriate witnesses;
 - iii. determine whether the Respondent has contravened this policy; and
 - iv. provide the Council and the Respondent, the results of their investigation.
- f) Subject to any requirement to release documents and information under the Access to Information and Protection of Privacy Act and any similar or successor legislation or requirement of law, all proceedings of the Investigator regarding the investigation shall be confidential;
- g) The Respondent shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council
- h) The Respondent is entitled to be represented by legal counsel, at the Councillor's sole expense.
- i) Council, excluding the Complainant and Respondent, shall deliberate and make a ruling on whether a breach of this policy has occurred.

Upon a finding that a Councillor has breached this policy Council shall issue a letter of reprimand addressed to the Councillor and Council may take such other corrective measures as may be available through the provisions of the City of Corner Brook Act, Municipal Affairs Act, or such other legislation or legal remedies as may be applicable to the matter, including but not limited to:

- a) reporting the matter to Municipal Affairs;
- b) requesting the Councillor to submit a written apology regarding the breach to Council and/or the Complainant;
- c) censuring the Councillor who committed the breach;
- d) suspending or removing the Councillor from Council committees and bodies to which Council has the right to appoint members; and
- e) withdrawing any recommendations Council has made for appointment of the Councillor to external bodies.

Compliance and Enforcement

Councillor shall uphold the letter and the spirit and intent of this policy.

Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this policy.

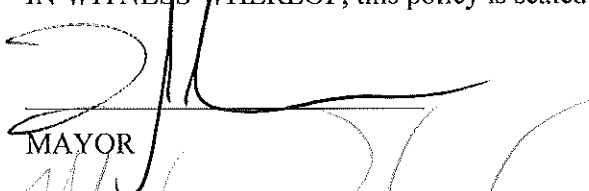
No Councillor shall:

- a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person; or
- b) obstruct Council, or any other person, in carrying out the objectives or requirement of this policy.

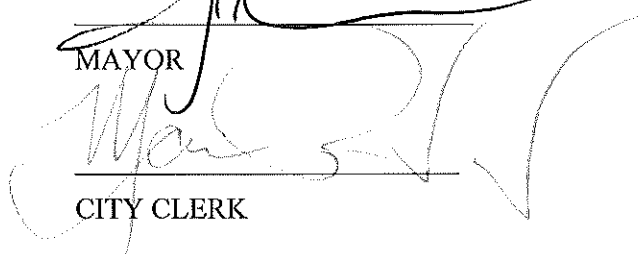
Reference:

Approved: Minute COW-084 (May 10, 2021)

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

A large, stylized handwritten signature in black ink, appearing to be 'JL', written over a horizontal line.

MAYOR

A large, stylized handwritten signature in black ink, appearing to be 'M. S. T.', written over a horizontal line.

CITY CLERK