



Municipality of Five Rivers

By-Law A.02.01

Code of Conduct for Council

1 GENERAL INFORMATION

1.1 AUTHORITY

- 1.1.1 Under the authority of the *Local Governance Act, 20-17, c 18, section 10(2)(b)*, the *Local Governance Commission Act, 2023, c. 18*, and *New Brunswick Regulation 2024-48, Code of Conduct*, the council of Five Rivers enacts this by-law to govern the conduct of members of council (“members”).

1.2 PURPOSE

- 1.2.1 This by-law establishes ethical standards for members of council relating to their role as an elected official of Five Rivers.

1.3 APPLICATION

- 1.3.1 The full content of this by-law applies to all members of council, including the mayor and the deputy mayor.

1.4 DEFINITIONS

- 1.4.1 “Act” means the Local Governance Act of New Brunswick, 2017, c 18.
- 1.4.2 “By-Law” refers to a local law made by a municipal government to regulate matters within its jurisdiction such as zoning, fire protection, and animal control.
- 1.4.3 “CAO” means the Chief Administrative Officer of Five Rivers.
- 1.4.4 “Clerk” means the clerk of Five Rivers as appointed under Section 71 of the *Local Governance Act* or someone designated by council to serve as clerk.
- 1.4.5 “Confidential” or “Confidential Information” means any aspect of in-camera deliberations; information identified as confidential within the provisions of the *Right to Information and Protection of Privacy Act* ; and information subject to solicitor-client privilege.

- 1.4.6 "Council" means the mayor and councillors of Five Rivers.
- 1.4.7 "Member," "council member," or "member of council" means any person elected to Council.
- 1.4.8 "Municipality" refers to the municipality of Five Rivers, comprised of the former village of Rexton, parts of the former Local Service Districts (LSDs) Harcourt and Weldford, and all of the former LSD Richibucto Parish.
- 1.4.9 "Officer" means any person who has been appointed by council to serve as an officer of the municipality. Required officers include the clerk, the treasurer, the auditor, and the building inspector. Optional officers include planner, by-law enforcement officer, engineer, and solicitor.
- 1.5 REPEAL OF PRIOR BY-LAW**
- 1.5.1 This By-Law A.01.03 repeals By-Law 03-22, as signed by the Transition Facilitator for the Government of New Brunswick and enacted by Five Rivers in 2022.

2 VALUES OF MEMBERS

2.1 HONESTY

- 2.1.1 Members shall say and do what they understand to be fair and true according to the known facts.
- 2.1.2 Members shall tell the truth, the whole truth, and nothing but the truth.

2.2 INTEGRITY

- 2.2.1 Members shall accurately and consistently represent their principles and positions to others in public discussion and debate.

2.3 OBJECTIVITY

- 2.3.1 Members shall seek to understand and represent the truth of a matter by considering credible facts and evidence.
- 2.3.2 Members shall not rely on assumptions, hearsay, or feelings to guide their actions or decisions.

2.4 IMPARTIALITY

- 2.4.1 Members shall not show favoritism toward one side or another in statements, deliberations, and decisions.
- 2.4.2 Members shall treat all interested parties to a matter before them with a sense of equality that lacks bias and prejudice.

2.5 ACCOUNTABILITY

- 2.5.1 Members shall take ownership of, and accept responsibility for, their actions and decisions, and the consequences that follow.
- 2.5.2 Members shall communicate with frankness and transparency, and without false denial or equivocation.

2.6 COMPLIANCE WITH THIS CODE

- 2.6.1 In spirit and in action, members shall comply in full with this code of conduct by-law.
- 2.6.2 Each member understands and accepts that if they violate this code of conduct, they may be subject to discipline, as described under sections 4.6 and 4.7 herein.

3 BEHAVIOUR OF MEMBERS

3.1 AWARENESS AND ADHERENCE TO GOVERNING LAW

- 3.1.1 Members shall be familiar with the relevant federal and provincial laws and local government by-laws, policies, and procedures, including the *Right to Information and Protection of Privacy Act, R-10.6*.
- 3.1.2 Members shall comply with applicable federal or provincial law or local government by-laws, policies, and procedures in the performance of their duties.
- 3.1.3 Members shall interact constructively and respectfully with elected officials, unelected representatives, and employees of other levels of government to promote and serve the goals and interests of Five Rivers.

3.2 RESPECT FOR THE PUBLIC AND PUBLIC SERVICE

- 3.2.1 Members shall serve and be seen to serve their constituents in a conscientious and diligent manner.
- 3.2.2 Members shall conduct their dealings with the public in a way that maintains public confidence in the office to which they have been elected.
- 3.2.3 Members shall not make inappropriate comments about or gestures toward another individual, where such comments or gestures are known, or ought to be known, to be offensive to the person(s) to whom they are directed.
- 3.2.4 Members shall not commit assault of any kind against any person, including unwanted physical contact, such as inappropriate touching, patting, or pinching.
- 3.2.5 Members shall not refuse to communicate or interact with anyone based on any ground listed in the *Human Rights Act*.

3.3 RESPECT FOR COUNCIL

- 3.3.1 Members shall understand and respect that council as a whole, and only council as a whole, is the decision-making body for Five Rivers. No single member of council, including the mayor, may direct staff, approve budgets, approve policy, or decide other matters, unless they have been specifically authorized by council to do so.
- 3.3.2 Members shall learn and follow all applicable rules of procedure in meetings, as documented in the *By-Law A.02, Proceedings of Council*, and any other by-laws and policies enacted by Five Rivers that address council procedure.
- 3.3.3 Members shall strictly observe the rules relating to attendance and communication in meetings of council, including notification requirements in cases of absence.
- 3.3.4 Members shall speak and act in ways that promote the decorum, dignity, civility, and reasonableness of council.
- 3.3.5 No member shall use vulgar, profane, or indecent language when representing council.

3.4 CONFLICT OF INTEREST

- 3.4.1 Members shall be familiar with the conflict-of-interest provisions under *Part 8* of the *Local Governance Act*.
- 3.4.2 It is each member's responsibility to identify and declare their own conflicts of interest. One member cannot declare that another member has a conflict of interest.
- 3.4.3 No member shall participate in the part of a meeting of council that regards a matter with which the member has a conflict of interest, as described under *Part 8* of the *Local Governance Act*.
- 3.4.4 Members shall always make decisions in the best interests of Five Rivers and its constituents, while specifically disregarding their own personal interests, including financial interests.

3.5 GIFTS AND BENEFITS

- 3.5.1 Members shall not accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence their decision on a matter before council.
- 3.5.2 Subject to extenuating facts and circumstances, members may accept:
 - 3.5.2.1 Compensation or benefits authorized by council.
 - 3.5.2.2 Rewards, gifts, or benefits that are not connected with the performance or duties of office.

- 3.5.2.3 Food, lodging, transportation, and entertainment provided by other levels of government or by other local government, boards, or commissions.
- 3.5.2.4 Token gifts such as souvenirs and commemorative gifts that are given in recognition of service for attending an event.
- 3.5.2.5 Gifts received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

3.6 BEHAVIOR TOWARD MEMBERS

- 3.6.1 At all times, members shall speak about other members of council with civility, generosity, and respect.
- 3.6.2 No member shall engage in any form of bullying, discrimination, or harassment toward another member.
- 3.6.3 No member shall use disparaging, abusive, or insulting language toward another member.
- 3.6.4 In meetings of council, members shall respect the chair at all times and speak only as directed by the chair.
- 3.6.5 In meetings of council and official communications, members shall address one another by title (mayor, deputy mayor, or councillor) and last name, or by title, first name, and last name, but never by first name alone.
- 3.6.6 Members shall refrain from describing the view or perspective of another member and shall not attribute specific principles and positions to named members.
- 3.6.7 Members shall not use communication tools and social media to criticize other members of council, staff, officers, or members of the general public.

3.7 BEHAVIOR TOWARD CAO, STAFF, AND OFFICERS

- 3.7.1 No member shall direct the CAO in an administrative matter outside a meeting of council and without a directive issued, or a vote taken, by a majority of council.
- 3.7.2 No member shall seek to direct or influence any member or officer of the municipality that reports to the CAO in the performance of their duties.
- 3.7.3 No member shall solicit, demand, or accept the services of a municipal employee, a municipal officer, or a municipal volunteer, including members of a fire department of Five Rivers.
- 3.7.4 No member shall use disparaging, abusive, or insulting words to describe the CAO, a municipal staff member, a municipal officer, or a municipal volunteer.

- 3.7.5 No member shall malign the reputation or performance of a municipal department, staff member, or officer, unless the claim is accompanied by clear, specific, and compelling evidence. If such evidence exists, the member shall only present the claim and the related evidence in a closed meeting. In presenting their evidence, the member shall assume that their perception of what constitutes clear, specific, and compelling evidence may not be shared by the other members.

3.8 IMPROPER USE OF INFLUENCE

- 3.8.1 No member shall use their position on council for any purpose other than the exercise of their official duties.
- 3.8.2 In a meeting of council, no member shall express favor or disfavor toward a specific business person, contractor, or vendor with whom the municipality has done business, is doing business, or may do business.
- 3.8.3 No member shall grant any special consideration, treatment, or advantage to a citizen or a group of citizens beyond that which is accorded to any other citizen or group.
- 3.8.4 No member shall seek to direct, influence, or otherwise interfere with the outcome of a municipal tender.
- 3.8.5 No member shall seek to direct, influence, or otherwise interfere with a procurement decision of the municipality.
- 3.8.6 Members shall avoid situations or relations that could lead to perceptions of favoritism or undue influence between members of council and staff, or that could be seen to undermine the authority of the CAO to direct staff.

3.9 USE OF PUBLIC PROPERTY, RESOURCES, AND SERVICES

- 3.9.1 No member shall use the property, resources, or services of Five Rivers for purposes other than those intended.
- 3.9.2 No member shall use the property, resources, or services of Five Rivers for their personal gain or for the gain of a friend, family member, or associate.
- 3.9.3 No member shall use the property, resources, or services of Five Rivers to support a candidate in a local government election.
- 3.9.4 No member shall use the assets of Five Rivers, including cell phones and email accounts, for provincial or federal political activity.
- 3.9.5 No member shall have a special right to rent, reserve, or otherwise use municipal properties or services. For clarity, no member shall have a greater right in this regard than any member of the public.

- 3.9.6 Members may use electronic communication devices supplied by the municipality, including cell phones and laptops, for personal uses, so long as the use is not for personal gain.
- 3.9.7 Computer files and internet search histories on municipal devices, as well as email messages to and from municipal accounts, may be subject to inspection by municipal staff and third parties hired to support and protect municipal computers and computer networks. Furthermore, such files, emails, and data may be inspected in support of an investigation related to an alleged violation of this by-law.

3.10 PUBLIC COMMUNICATIONS

- 3.10.1 No member shall make a statement that the member knows, or reasonably ought to know, is false or misleading with respect to a material fact.
- 3.10.2 No member shall make a statement that the member knows, or reasonably ought to know, omits to state a material fact, the omission of which makes that statement false or misleading.
- 3.10.3 No member shall make a statement that the member knows, or reasonably ought to know, is defamatory to a member of council, an officer or employee of the local government, or a member of the public.
- 3.10.4 No member, other than the mayor, may claim to speak on behalf of council, unless they are duly authorized by council to do so.
- 3.10.5 Members shall accurately communicate the decisions of council, no matter if they agree or disagree with them.
- 3.10.6 Members shall not communicate the business and affairs of council through personal email or social media accounts.
- 3.10.7 When using social media or email, no member shall attempt to disguise or mislead anyone as to their identity or status as an elected representative of Five Rivers.
- 3.10.8 Where members express a personal view or opinion on social media, members shall not represent, or seem to represent, their own personal views and opinions as the views and opinions of council.

3.11 CONFIDENTIAL INFORMATION

- 3.11.1 No member shall disclose confidential information of which the member becomes aware in the exercise of the member's duties concerning the property, personnel, or legal affairs of the local government.
- 3.11.2 No member shall disclose confidential information of which the member becomes aware in the exercise of the member's duties concerning a member of council, an officer or employee of the local government, or a member of the public.

4 COMPLAINTS

4.1 SUBMITTING A COMPLAINT

4.1.1 Any member of the public may report a breach of this by-law by completing **Form A02-01** (the “complaint form”) and submitting it to the clerk. Alternatively, one may report a breach by completing **Form A02-01** on the municipal website.

4.1.2 In the complaint form, the complainant shall:

- (1) describe the alleged violation, citing the related item(s) in this by-law,
- (2) name the alleged violator(s),
- (3) specify the date and time of the alleged violation(s), and
- (4) specify the location(s) where the alleged violation took place.

Other information and evidence may be added as appropriate.

4.1.3 A complainant has up to thirty (30) days from the date of the alleged violation to submit their complaint to the clerk. The clerk will acknowledge receipt of a complaint within five (5) business days.

4.2 RECEIVING THE COMPLAINT

4.2.1 Within five (5) calendar days of receipt of the complaint, the clerk shall:

- 4.2.1.1 notify the accuser to acknowledge receipt of the complaint,
- 4.2.1.2 notify the accused via email and include a copy of the complaint, and
- 4.2.1.3 notify the mayor via email and include a copy of the complaint.

4.2.2 The mayor, in consultation with the clerk, will review the matter and then render a preliminary finding within sixty (60) calendar days.

4.2.3 Complaints filed after the required time period may be approved for review by a majority vote of council.

4.3 INVESTIGATING THE COMPLAINT

4.3.1 At the mayor’s discretion, a third party may be hired to investigate the complaint.

4.3.1.1 If a third-party investigation takes place, the investigator shall produce a report of their finding for the mayor and council.

4.3.1.2 If a third-party investigation takes place, the deadline for judgement may be extended by an additional sixty (60) calendar days.

4.4 RIGHTS OF THE ACCUSED

- 4.4.1 The member(s) accused may prepare a written statement of defense.
- 4.4.2 The member(s) accused has up to ten (10) calendar days to submit their written statement of defense to the mayor and clerk.
- 4.4.3 Each member accused must submit their own statement of defense (two or more members may not submit one statement of defense).

4.5 MAKING A PRELIMINARY FINDING

- 4.5.1 Not less than eleven (11) calendar days after receiving the complaint, the mayor shall document in writing his or her preliminary finding.
- 4.5.2 A copy of the mayor's preliminary finding shall be distributed to all members of council through the clerk.

4.6 RENDERING JUDGMENT

- 4.6.1 Within two (2) calendar days of receiving the preliminary finding from the mayor, the clerk shall forward all documents relating to the complaint to council. This includes but is not limited to:
 - 4.6.1.1 A copy of the original complaint.
 - 4.6.1.2 A copy of the mayor's preliminary finding.
 - 4.6.1.3 A copy of all statements of defense.
 - 4.6.1.4 A copy of the investigator's report (if applicable).
- 4.6.2 At the next closed meeting of council, council shall review the complaint.
 - 4.6.2.1 The accused may speak for up to five (5) minutes in their defense. At the mayor's discretion, this time may be extended.
 - 4.6.2.2 The accused shall leave the room after their presentation and during the deliberations of council on the matter.
 - 4.6.2.3 Council may discuss appropriate correction actions, as applicable.
- 4.6.3 After council's review of the complaint in a closed meeting, council shall take the following actions in an open meeting.
 - 4.6.3.1 Council, excluding the member(s) accused, shall vote to determine if the member(s) breached the code of conduct.

- 4.6.3.2 Where council finds that a breach has occurred, council shall pass a resolution acknowledging the breach and respecting the appropriate corrective action.

5 CORRECTIVE ACTIONS

5.1 PENALTIES AND SANCTIONS

- 5.1.1 If council finds that a breach of this code of conduct has occurred, council may impose any of the following penalties and sanctions:

- 5.1.1.1 Reprimanding the member.
- 5.1.1.2 Requiring the member issue a letter of apology.
- 5.1.1.3 Requiring the member to attend training or counselling as directed by council.
- 5.1.1.4 Suspending the member from exercising the powers or performing the duties conferred under *section 48* of the *Local Governance Act*.
- 5.1.1.5 Reducing or suspending the member's compensation for the duration of any suspension period imposed under item 4.7.1.4.
- 5.1.1.6 Reducing or suspending the member's privileges, including travel or the use of resources, services, or property of the local government.
- 5.1.1.7 Restrictions on access to municipal facilities, property, equipment, services, or supplies.
- 5.1.1.8 Restrictions on contact with municipal employees, including the CAO.
- 5.1.1.9 Restrictions on travel and representation on behalf of council.
- 5.1.1.10 Removal or suspension of committee assignments.

- 5.1.2 Where council finds that a breach has occurred, council may apply one or more corrective actions listed under 5.1.1. Council may also apply other penalties and sanctions such as those enumerated in provincial and federal legislation.

5.2 APPLICATION PERIOD

- 5.2.1 A corrective action under section 5 shall not be imposed for a period longer than the maximum period prescribed for a suspension under the *Local Governance Commission Act*.

6 EFFECTIVE DATE.

FIRST READING Month xx, 2026

SECOND READING Month xx, 2026

THIRD READING AND ENACTMENT Month xx, 2026

7 SIGNATURES.

MAYOR Kevin Scully

CLERK Rob Webber

