

**BY-LAW NO. 2026-09**

**A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF DISTRICT OF TOBIQUE VALLEY**

**PURPOSE:** A By-law of the **DISTRICT OF TOBIQUE VALLEY**, in the Province of New Brunswick, for the purpose of establishing a Code of Conduct for Elected Members of the **DISTRICT OF TOBIQUE VALLEY**.

**WHEREAS:** the Section 10(2)(b) of the *Local Governance Act*, authorizes and requires local governments to establish a *Code of Conduct by-law*;

**WHEREAS:** a *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the *Local Governance Act*; and

**WHEREAS:** The actions of members of council have an impact on the lives of all residents and property owners in the community; and

**WHEREAS:** the establishment of a *Code of Conduct By-law* is consistent with the principles of transparent and accountable government, reflecting the values of the **DISTRICT OF TOBIQUE VALLEY**, its commitment to professional, accountable, and lawful conduct, and its desire to provide strong local governance and leadership;

**WHEREAS:** The Minister of Local Government and Local Governance Reform may make or amend by-laws of a restructured local government as per An Act Respecting Local Governance Reform, section 11(2);

**WHEREAS:** This by-law repeals any previous by-law of the District of Tobique Valley dealing with a Code of Conduct.

**BE IT ENACTED:** by the Minister of Local Government and Local Governance Reform as follows:

## **1. TITLE**

- a) This By-law will be cited as the “Council Code of Conduct”.

## **2. DEFINITIONS**

- a. “CAO” means the Chief Administrative Officer for District of Tobique Valley;
- b. “Council” means all members of Council duly elected and holding office;
- c. “Councillor” means any member of Council including the Mayor and Deputy Mayor;
- d. “District of Tobique Valley Property” means District of Tobique Valley financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;
- e. “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;
- f. “Officer” means an employee of District of Tobique Valley that reports directly to the CAO and may carry some delegated or designated duties of the CAO.

## **3. CODE OF CONDUCT**

### **a. Representing DISTRICT OF TOBIQUE VALLEY**

- i. All Councillors shall:

- 1. Work for the common good of District of Tobique Valley’s citizens and taxpayers while promoting public interest and advancing the mandate and long-term interests of District of Tobique Valley;

2. Conduct Council business in an open and transparent manner that promotes public confidence and trust, recognizing that an individual Councillor cannot exercise individual authority over District of Tobique Valley;
3. Exercise their duties with care, diligence, and skills that a reasonably prudent person would exercise in comparable circumstances;
4. Exercise their duties by placing the interests of District of Tobique Valley ahead of their personal interests; and
5. Exercise their duties in an impartial manner, making decisions based on objective criteria, rather than on the basis of bias or prejudice.

**b. Communicating on Behalf of the District**

- i. The Mayor, or in his/her absence the Deputy Mayor, is the official spokesperson for District of Tobique Valley;
- ii. All Councillors acknowledge that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.
- iii. All Councillors shall not make a statement that the member knows or reasonably ought to know
  - (i) Is false or misleading with respect to a material fact or omits to state a material fact, the omission of which makes that statement false or misleading, or
  - (ii) Is defamatory to a member of council, an officer or employee of the District of Tobique Valley or a member of the public.

### **c. Respecting the Decision-Making Process**

i. All Councillors shall:

1. Foster respect for the democratic decision-making process;  
and
2. Work towards effective and consistent implementation of the positions and/or decisions of Council.

### **d. Adherence to Policies, Procedures, Bylaws and the Local Governance Act**

i. As the District of Tobique Valley stewards and decision makers, all Councillors shall respect, and adhere to, the established policies, procedures and bylaws of District of Tobique Valley, showing commitment to performing their duties and functions with care and diligence.

*ii.* All members shall make themselves familiar with the relevant federal and provincial laws, including, without limitation, the Right to Information and Protection of Privacy Act.

### **e. Respectful Interaction with Councillors, Staff, the Public and Other Members of Society**

i. All Councillors shall:

1. Treat fellow Councillors, Administration/Staff and the public with respect, concern and courtesy and not engage in discrimination, bullying, harassment or use of derogatory language towards others in their roles as Councillors;
2. Demonstrate the highest standards of personal integrity, honesty, objectivity, impartiality and accountability;

3. Communicate and work with all fellow Councillors in an open, transparent and honest manner promoting a spirit of cooperation by listening to and respecting those opinions that may differ;
4. Avoid forming “alliances” with other Councilors for the purpose of controlling Council meetings, agendas or outcomes; and
5. Use communication tools and social media in a professional and appropriate manner only to promote the approved objectives of Council and not to attempt to reflect on Council decisions or disparage or criticize other Councilors or staff. Derogatory, defamatory, discriminatory, indecent, obscene or false comments shall not be posted.

**f. Confidential Information**

- i. All Councillors shall hold in strict confidence all information concerning matters deemed confidential and shall not, either directly or indirectly, release, make public or in any way divulge any information which is deemed to be confidential unless expressly authorized by Council or required by law to do so; and
- ii) Shall not disclose confidential information of which the member becomes aware in the exercise of the member’s duties concerning property, personnel or legal affairs of the local government, or a member of council, an officer or employee of the local government or a member of the public.

**g. Conflict of Interest**

i. No Councillor shall engage in any activity which is incompatible or inconsistent with the ethical conduct of official duties in the public interest. These activities include but are not limited to:

1. Use any influence of the office for any purpose other than official duties;
2. Use any information gained in the execution of the office that is not available to the general public for any purpose other than for official duties;
3. Place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or may seek preferential treatment; and
4. Influence any Council decision or decision-making process involving or affecting any person or organization in which a Councillor or Councillors have a financial interest.

ii. Members of council shall comply with the Local Governance Act Part 8 - Conflict of Interest sections – 87(1) – 87(2), 88 – 89(3), 90, 91(1) – 91(5), 94(1) – 94(3), 96, 97(1)- 97(6).

## **h. Improper Use of Influence**

i. All Councillors shall, at all times, conduct themselves in a manner that reflects the separation of roles and responsibilities between Council and Administration, and shall:

1. Refrain from giving directions to any municipal employee or contracted resource, except through the CAO;
2. Convey all concerns or requests for action or information directly to the CAO or, where appropriate, and as agreed by the CAO, communicate with an officer without committing District of Tobique Valley to any specific course of action, expenditure, or use of municipal resources outside of the District of Tobique Valley's established policies, procedures, or budget, or otherwise;
3. Not solicit, demand or accept the services of any municipal employee;
4. Avoid any situation in which a relationship (ex. friendship, social relationship or social interaction) with a member of staff may be perceived to create undue influence, access to information, conflict of interest, or to undermine the authority of the CAO;
5. Not express any opinion on the performance of any municipal employee unless through a formal performance evaluation; and
6. Not advocate for the promotion, sanction, or termination of any municipal employee.

## **I. Use of Municipal Assets and Services**

- i. No Councillor shall use or attempt to use District of Tobique Valley's property, funds, services, or information for personal benefit or the benefit of any other individual.
- ii. No Councillor shall use District of Tobique Valley's assets including cell phones or email accounts for provincial or federal political activity.
- iii. No Councillor shall use property, resources and services of District of Tobique Valley, including use that is;
  - (i) unreasonable or for purposes other than those intended;
  - (ii) for their personal gain, or
  - (iii) in support of a candidate in a local government election.

## **j. Orientation and Other Training Attendance**

- i. All Councillors must attend local orientation sessions and are encouraged to attend training opportunities that may be provided during their term, upon approval by Mayor.

## **4. COMPLAINTS**

- a. Any person, in good faith, may report a perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor.
- b. The complaint shall be submitted in writing to the Mayor (or Deputy Mayor should the complaint be about the Mayor) and include the following:
  - 1. Name of the complainant and contact information
  - 2. Name of the member of Council who is subject to the complaint

3. A detailed description of the alleged breach of the Code of Conduct, including the date, time, location and circumstances of the incident where applicable
  4. Any supporting documentation or evidence relevant to the complaint, and
  5. Signature of the Complainant and the date the complaint is submitted.
  6. The complaint may be mailed, emailed, or hand-delivered to the municipal office.
- c. All valid complaints (see mandatory steps below) shall be included in the open session of a council meeting.
- d. An anonymous report or complaint shall not be considered valid.
- e. A complaint must be filed within thirty (30) days after the alleged breach occurred.

**Mandatory Steps:**

Before Council can determine the validity (and before it comes before open council) of the complaint or impose corrective actions, it must:

1. Provide the Councillor with a written notice of the complaint within five business days from receipt of the complaint;
2. Allow the Councillor an opportunity to respond to the allegations in the complaint;
3. Conduct a fair and impartial investigation;
4. Prepare an investigation report; and
5. Vote on the validity of the complaint and corrective actions in open session.

## **Options for Resolution**

### *Preliminary Requirement – Written Notice of Complaint*

Written notice is mandatory in all cases. Regardless of which option is selected, the Mayor, or in the absence of the Mayor, the Deputy Mayor, shall immediately issue a written notice to the Councillor summarizing the complaint in sufficient detail to allow the Councillor to prepare a response.

### Option 1 – Investigation and Resolution in Open Session (Council as Investigator)

Under this option, Council itself conducts the investigation during an open meeting. This option aligns with transparency principles but offers little confidentiality.

Process:

1. Add the complaint to the agenda of the next Council meeting and provide a copy to the Councillor.
2. Provide the Councillor an opportunity in open session to present his/her response to the allegations.
3. Have the Councillor and the complainant (if the attendance) withdraw from the meeting.
4. Council deliberates and makes findings based on the information
5. Council passes the required votes in open session on:
  - a. whether a breach occurred; and
  - b. corrective action
6. The clerk prepares a written summary report documenting the investigation, the Councillor's response, the evidence considered, and Council's findings.
7. This written report shall be provided to both the complainant and the Councillor within five (5) business days of the date of the Council meeting.

## Option 2 – Address Allegations Outside Council Meeting

Under this option, the Mayor, or in the absence of the Mayor, the Deputy Mayor, will appoint a small committee or designated members to conduct the investigation outside a formal Council meeting. This allows for a more private process while still maintaining fairness and transparency.

### Process:

1. Provide a copy of the summary of allegations to the Councillor.
2. Council shall appoint or designate a committee of impartial representatives to meet with the Councillor to obtain their response to the allegations.
3. The committee will document all evidence, interviews, and findings.
4. A written investigation report is prepared summarizing:
  - a. the complaint;
  - b. the Councillor's response;
  - c. the evidence reviewed; and
  - d. the committee's findings.
5. A summary of the report's findings is provided to the complainant and the Councillor.
6. At the next meeting of Council, the report is added to the agenda.
7. The Councillor and the complainant (if in attendance) withdraws from the meeting during deliberations.
8. In open session:
  - a. Council discusses the complaint and report;
  - b. Votes on whether a breach occurred; and
  - c. Votes on corrective action.

### **Procedural Fairness Requirements**

As a public decision-making body, Council owes a duty of procedural fairness when considering Code of Conduct complaints. At a minimum, this duty requires the Respondent Councillor:

- (a) Receive written notice of the allegations, and

(b) Be given a reasonable opportunity to respond prior to any determination being made on the allegations brought forward in the complaint.

### **Code of Conduct By-Law Requirements**

Council must follow its own Code of Conduct By-Law when addressing Code of Conduct complaints. Key provisions that are outlined in the Code of Conduct By-Law requires the following:

- A full investigation of the complaint;
- Confidentiality of complaints and investigation reports until the investigation has concluded;
- The ability to seek legal advice or engage a third-party investigator;
- A determination of the validity of the complaint; and
- The imposition of corrective actions where warranted.

### **Local Governance Act – Code of Conduct Regulation Requirements**

The Local Governance Act – Code of Conduct Regulations impose several additional mandatory procedural requirements, including:

- Providing the affected Councillor with written notice of the complaint;
- Implementing a fair and impartial process for screening frivolous or late complaints;
- Conducting a fair and impartial investigation;
- Providing the results of the investigation report to the complainant and the Councillor; and
- Requiring Council, at its next meeting following receipt of the investigation report, to:
  - a. Review the report, and
  - b. Hold two votes in open session:
    - i. Whether a breach of the Code of Conduct occurred; and
    - ii. What corrective action, if any, should be imposed.

## **Open and Closed Sessions**

The Local Governance Act includes an implied obligation of public accountability and transparency. The default rule is that Council meetings must be open to the public. Section 68(1) of the Local Governance Act permits Council to close a meeting only for specific purposes, such as but not restricted to,

- Discussing information protected by law;
- Discussing personal information under the Right to Information and Protection of Privacy Act;
- Receiving legal opinions or advice; and
- Considering litigation or potential litigation.

Section 68(2) restricts closed-meeting decisions to procedural matters and directions to municipal officers or legal counsel.

Importantly, Council may not make decisions or conduct votes on Code of Conduct complaints in closed session. All determinations on whether a breach occurred and what corrective actions should be imposed must occur in open session.

## **5. CORRECTIVE ACTIONS**

a. Council may impose corrective actions on a member who contravenes the Council Code of Conduct in the following forms:

- i. A letter of reprimand;
- ii. Requiring a letter of apology;
- iii. Requiring the member to attend training or counselling;
- iv. Suspending the member from exercising their powers or performing their duties as defined under section 48 of the Local Governance Act of Powers and Duties of Mayor and Councillors;

v. Suspending or removal from some or all Council committees and bodies to which Council has the right to appoint members;

vi. Reducing or suspending privileges, including attending conferences, workshops, travel, use of resources, services or property of District of Tobique Valley; and

vii) Reducing or suspending compensation for the duration of any suspension.

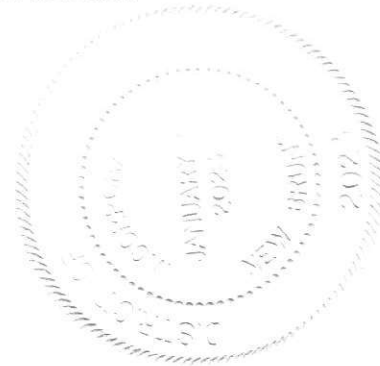
b) Corrective action under paragraph iv, v, vi, vii shall not be imposed for a period longer than the maximum period prescribed for a suspension under the Local Governance Act.

This By-Law shall come into effect on the date of enactment thereof.

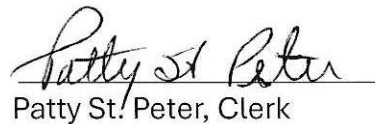
FIRST READING BY TITLE: March 16, 2026

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THIRD READING IN SUMMARY AND ENACTED: April 20<sup>th</sup>, 2026



  
Mayor

  
Patty St. Peter, Clerk