

BY-LAW NO. A – 6 – 2026

A BY-LAW FOR THE RURAL COMMUNITY OF FUNDY SHORES RESPECTING CODE OF CONDUCT FOR COUNCIL

BE IT ENACTED by the Council for the Rural Community of Fundy Shores, under the authority vested in the Rural Community of Fundy Shores (hereinafter “Fundy Shores”) by section 10(2)(b) of the Local Governance Act, SNB 2017, c18 (the “Local Governance Act”):

1. Title
 - a. This by-law shall be cited as the “Council Code of Conduct”.
2. Application
 - a. This Council Code of Conduct by-law shall apply to all members of council.
3. Code of Conduct
 - a. Representing the Rural Community
 - i. Council and staff seek to maintain and enhance the quality of life for all residents through responsible, fair, community-minded and sustainable government.
 - ii. Council Members are dedicated to the concept of effective and democratic local government and should maintain a constructive, creative, cooperative and practical attitude towards working together in public service.
 - iii. Members shall adhere to the values of council, including:
 1. Honesty,
 2. Integrity,
 3. objectivity,
 4. impartiality, and
 5. accountability.
 - iv. Members shall respect and adhere to the structure of government and administration as established in Fundy Shores. In this structure, the Council determines the policies of Fundy Shores with the advice, information and analysis provided by Staff, Committees and the Public.
 - v. Members therefore, shall not interfere with the Administrative functions of Fundy Shores or with the professional duties of Fundy Shores staff, nor shall they impair the ability of staff to implement Council policy decisions.
 - vi. Members shall fully prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the meeting, or otherwise disturb the meeting.
 - b. Communicating on Behalf of Council
 - i. Members of Council recognize that the Mayor or, if unavailable, the Deputy Mayor speaks on behalf of Council.
 - ii. Members of Council acknowledge that official information related to the decision of Council will be communicated by the Mayor or, if unavailable, the Deputy Mayor to the public and the media.

- iii. Members of Council have a duty to accurately communicate the decision of Council, even if they disagree with Council's decision to foster respect for the decision-making process.
- iv. Members of Council recognize they are always representatives of the Community including when they engage in social media activities and must identify when the views they express are their own and are not those of Council.
- v. Additionally, a member of Council must not:
 - 1. Make a statement that the member knows or reasonably ought to know:
 - a. Is false or misleading with respect to a material fact or omits to state a material fact, the omission of which makes the statement false or misleading, or,
 - b. Is defamatory to a Member of Council, an Officer or Employee of the Rural Community or a member of the public, and,
 - 2. Disclose confidential information of which the member becomes aware in the exercise of their duties concerning
 - a. The property , personnel, or legal affairs of the Rural Community, or
 - b. A Member of Council, an Officer, or Employee of the Rural Community or a Member of the public.

c. Use of Communication Tools

Electronic communication devices provided by Fundy Shores are the property of Fundy Shores, and shall, at all times, be treated as the property of Fundy Shores. Members are advised there is no expectation of privacy in the use of these devices and further that:

- i. Members are required to acknowledge and sign out electronic communication devices provided to them for the duration of their Council term; which may be amended by Council from time to time by resolution;
- ii. All records which are not otherwise excluded under the *Right to Information and Protection of Privacy Act*, SNB 2009, c R-10.6 ("RTIPPA"), including but not limited to emails, messages or documentation sent, received or created on Fundy Shores devices, as well as emails, messages, or documentation relating to the business of Fundy Shores received by regular mail, courier, hand-delivered or emailed; sent/received on private devices or through personal email accounts are considered records of Fundy Shores, and are subject to requests for access under RTIPPA, and copies shall be provided to the Clerk's Office upon request;
- iii. All files stored on Fundy Shores devices, all use of email and the internet through Fundy Shores firewalls may be inspected, traced or logged by Fundy Shores;
- iv. In the event of a complaint pursuant to this by-law, Council may require that any or all of the electronic communication devices provided by Fundy Shores to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation.

- v. No member shall use any property, equipment, services or supplies of Fundy Shores, including but not limited to email, internet, or any other electronic communication device, if the use could be considered offensive inappropriate, or otherwise contrary to this by-law or any other by-law or provincial or federal legislation.
- d. Use of Social Media
 - i. Once posted on social media, any material or content is accessible to anyone with an internet connection. Furthermore, the content can never be effectively removed, As public figures and representative of Fundy Shores, Members should act with discretion and be judicious in what material they post on social media. As with any other communications, members are accountable for content. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become inflamed very quickly.
 - ii. No member shall attempt to disguise or mislead as to their identity or status as an elected representative of Fundy Shores when using social media.
 - iii. No member shall use social media to make public anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.
 - iv. Where members provide personal views or opinions on social media, members should take steps to ensure such personal view or opinions are not constructure to be those of the whole of Council.
- e. Respectful Interaction with Members, Officers and employees of Fundy Shores, the Public and Other Members of Society
 - i. Members of Council have a duty to treat fellow Councillors, Officers and Employees of Fundy Shores and members of the public with respect, concern and courtesy.
 - ii. Members of Council must not engage in discrimination, bullying, harassment or use of derogatory language towards others in their roles.
 - iii. Members of Council shall respect the presiding officer, fellow members, officers and Employees of Fundy Shores and the public present during meetings to provide an environment for transparent and healthy debate on matters requiring decision-making.
 - iv. Members of Council must not harass or use indecent, abusive, or insulting words or expressions towards any other member, officer or Employees of Fundy Shores or the public.
 - v. Members of Council must not use, or attempt to use, their authority or position to influence staff with the intent of interfering in their duties.
 - vi. Members of Council must not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of Fundy Shores.
 - vii. In addition to I through vi, a member of Council
 - 1. Must not use their position for any purpose other than the exercise of their official duties, and
 - 2. Must be familiar with the relevant federal, provincial and local government by-laws, policies and procedures, including, without limitation, the *Local Governance Act*, SNB 2017, c18 and the *Right to Information and Protection of Privacy Act*, SNB 2009, c R-10.6.

f. Confidential Information

- i. Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the Rural Community of Fundy Shores as well as the personal information of other Members of Council, officers and employees of Fundy Shores and members of the public as well as all information related to constituency matters, as outlined in the *Local Governance Act*, SNB 2017 c18 and the *Right to Information and Protection of Privacy Act*, SNB 2009, c R-10.6. Members shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial, or other private interests.
- ii. Members are bound by the rules of confidentiality set out herein with respect to all knowledge and information gained as a result of their role as a Member of Council during their tenure as a Member of Council and Members remain bound after their tenure as a Member of Council has concluded

g. Conflict of Interest

- i. Members must be familiar with the conflict of interest provisions set out in Part 8 of the *Local Governance Act*, SNB 2017, c18 and shall comply with those provisions.
- ii. Upon taking office, Members shall file a statement with the Clerk disclosing any actual or potential conflict of interest of which the Member has knowledge on the prescribed form.
- iii. Where a conflict of interest arises while a Member is in office:
 1. if the Member becomes aware of the conflict during a meeting, they shall:
 - a. as soon as the matter is introduced, disclose on the record that they have a conflict interest in the matter and immediately withdraw from the meeting room while the matter is under consideration or put to a vote; and
 - b. as soon afterwards as circumstances permit, file a statement disclosing the conflict of interest with the clerk.
- iv. Improper Use of Influence Members shall not:
 1. Accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by them in carrying out their functions as a member, or
 2. For their own personal gain or private advantage or for that of a family associate or any other person or entity, make use of, or attempt to make use of, their office, position or authority or any information that is obtained in their position and is not available to the public.
- v. Members shall not place themselves in a position of obligations to any person or entity which might reasonably be seen to benefit from special considerations or may seek preferential treatment.

- vi. Members of Council shall not pressure or direct staff to provide preferential treatment, alter professional recommendations, or circumvent established procedures or policies.
 - h. Use of Rural Community Assets and Services
 - i. Members of Council must not request or permit the use of property, resources and services belonging to Fundy Shores for personal convenience or profit, except where such privileges are granted to the public.
 - ii. Members must ensure that, when conducting the business of Fundy Shores, they do so with efficiency while avoiding waste or abuse of municipal resources.
 - iii. In addition to i and ii, a member of Council must not use Fundy Shores property, resources and services in a way that is
 - 1. Unreasonable or for purposes other than those intended,
 - 2. For their personal gain, or
 - 3. In support of a candidate in a local, provincial or federal election.
 - i. Orientation and Training Attendance
 - i. Members of Council shall attend local orientation sessions for Council.
 - ii. Members of Council shall if possible attend orientation sessions provided by the Provincial Government.
 - iii. Additional training for Council and Staff should be advocated for and attended whenever possible.
 - j. Compliance with Applicable Laws
 - i. Members of Council shall comply with all applicable federal and provincial laws, as well as all local government by-laws, policies and procedures in the performance of their duties.
4. Complaint Process
- a. Informal Complaint Process
 - i. Any person who has identified or witnessed conduct by a member that the person reasonably believes, in good faith, is in contravention of this By-Law may address the prohibited conduct informally by advising the Member that the conduct violates this By-Law and encouraging the Member to stop.
 - ii. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this By-Law. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal process as outlined in this By-Law
 - b. Formal Complaint Process
 - i. The complaint form, found in Schedule B, must contain the following information before filing:
 - 1. The name of the member(s) about whom the complaint is being made,
 - 2. The section(s) of this by-law which have been violated [council may wish to exclude this from the required fields, as it may be difficult for some complainants to identify the specific section(s)],
 - 3. When the complainant believes the by-law was contravened,
 - 4. A summary of the facts,
 - 5. Date of the complaint,
 - 6. Signature of the complainant, and

7. Contact information of the complainant
- ii. All complaints made pursuant to this by-law must be filed within 45 days of the date when the member is alleged to have contravened the by-law.
- iii. The complaint must be filed with the clerk's office, which must then be promptly forwarded to the Mayor for an initial review.
- iv. If the complaint involves the Mayor, the Deputy Mayor shall conduct the initial review. If the Deputy Mayor is also unable to consider the complaint, the Clerk's office shall ask council to select another member.

Initial Review

- v. Upon receiving a written complaint, the Mayor, or the Member designated to perform the initial review in their place, shall:
 1. notify the Member who is the subject of the complaint of the allegations made therein with a copy of the completed complaint form within 72 hours of receipt of the same; and
 2. review the written complaint as presented.
- vi. If, after conducting their initial review, the Mayor or other designated Member concludes that the complaint as presented is filed after the required time period, the Mayor or other designated Member shall summarily dismiss the complaint.
- vii. If the Mayor or other designated Member summarily dismisses the complaint, the decision setting out the reasons why the complaint will be dismissed shall be provided in writing to both the complainant and the affected member of council within 7 days of receiving the complaint.
- viii. If the complaint is not summarily dismissed, the Mayor or other designated Member must refer the complaint to the clerk's office, who shall bring the matter before council at a closed meeting within 7 days of receiving the complaint.

Initial Review by Council

- ix. If, after conducting their initial review, the council concludes that the complaint as presented:
 1. is, on its face, devoid of merit;
 2. references an action or conduct that, even if committed, is clearly not a matter covered by this by-law; and/or
 3. is frivolous, vexatious or made for an improper purpose,the council shall summarily dismiss the complaint.
- x. If the council summarily dismisses the complaint, the decision shall be provided in writing to both the complainant and affected member of council and set out the reasons why complaint will be dismissed.
- xi. If the complaint is not summarily dismissed, the council must hold a vote as to whether it will investigate or refer the matter to an external consultant with relevant experience as recommended by the Local Governance

- Commission to conduct an investigation and provide a report in accordance with the parameters set out below along with a recommendation to council.
- xii. A report under (xii) must be returned to council within 3 months of council's decision to refer the matter to the external consultant.

Investigation by Consultant

- xiii. An external consultant appointed by council must
 1. meet with or otherwise communicate with the complainant to obtain whatever additional information, submissions and documentation they wish to provide,
 2. meet with or otherwise communicate with the Member who is the subject of the complaint to obtain whatever additional information, submission and documentation they wish to provide,
 3. meet with or otherwise communicate with any others who might have knowledge of the subject matter of the complaint
 4. consider any other material deemed, in the sole discretion of the external consultant, to be relevant and
 5. explore with the complainant and the affected Member if the complaint can be resolved in a satisfactory manner.
- xiv. If the complainant or affected Member refuses or fails to meet or otherwise communicate with the consultant under (15), the consultant must proceed with their review and produce a report detailing their findings, conclusions and recommendations.

Investigation by Council

- xv. If council conducts the investigation, the clerk shall schedule a closed meeting where the complainant and the affected member of council will be invited to attend and answer questions or clarifications from council.
- xvi. In the closed session under (xvi), both the affected Member and the complainant shall have a right to be represented by counsel.
- xvii. If council under (xvi) determines that a member has potentially violated this by-law, it must provide reasons to the complainant and the affected Council Member in support of such a determination in a report and direct that the matter be considered at the next regularly scheduled public meeting so long as said meeting will take place within a period of 30 days.

Report

- xviii. When preparing the investigation report, the author(s) shall familiarize themselves with section 68(1) of the *Local Governance Act*, SNB 2017, c18 and the RTIPPA definition of "personal information" and shall take into consideration any implications to the privacy of the complainant and other named individuals.

Council Decision

xix. Upon receipt of the investigation report, the Clerk shall provide copies of said report to the complainant and the affected Member of Council and shall add the matter to the agenda for the next Council meeting.

1. Subject to 2 and 3 below, Council must,
 - a. Review the report, and
 - b. When the review is finished, hold a vote
 - i. To determine whether the member of Council breached the code of conduct, and
 - ii. To pass a resolution respecting the appropriate corrective action, if any.
2. If the report under xx. Deals with any of the matters referred to in subsection 68(1) of the *Local Governance Act*, SNB 2017, c18, the public may be excluded from the meeting for the duration of the review under paragraph (1)(a).
3. The affected member of Council shall not participate in any vote held under 2(b).

5. Corrective Actions

- a. Subject to (b) and in the case of a breach of a provision of the code of conduct, council may impose any corrective actions it deems appropriate, including, but not limited to,
 1. reprimanding the member of council,
 2. requiring that the member of council issue a letter of apology,
 3. requiring that the member of council attend training or counselling as directed by council,
 4. suspending the member of council from exercising the powers or performing the duties conferred under section 48 of the *Local Governance Act*, SNB 2017, c18,
 5. reducing or suspending the member of council's compensation for the duration of any suspension imposed under paragraph (d),
 6. and reducing or suspending the member of council's privileges, including travel or the use of resources, services or property of the local government.
- b. A corrective action under paragraph (1)(d) or (e) shall not be imposed for a period longer than the maximum period prescribed for a suspension under the *Local Governance Commission Act*.

6. Role of the Local Governance Commission

- a. If a matter respecting an alleged breach of provision of this Council Code of Conduct By-Law cannot be resolved under this By-law or the *Local Governance Act*, SNB 2017, c18, a person may request in writing that the Local Governance Commission investigate the alleged breach, in accordance with the *Local Governance Commission Act*, SNB 2023, c18.
- b. If a matter respecting an alleged conflict of interest cannot be resolved under this by-law or the *Local Governance Act*, SNB 2017 c 18, a person may request in writing that the Local Governance Commission investigate the alleged conflict, in accordance with the *Local Governance Commission Act*, SNB 2023, c18.

7. Violation Not Cause to Challenge a Decision

- a. A violation of this by-law shall not be considered a basis for challenging the validity of the Council or a Council or Committee decision.
- 8. Review
 - a. This by-law shall be reviewed every four (4) years in October prior to the quadrennial elections, with the first review in October 2029.
- 9. By-Law Repealed
 - a. By-Law Number A-3-2022 “Council Code of Conduct” is hereby repealed and of no further force or effect.
- 10. Effective Date
 - a. This by-law comes into effect on the date of final reading and enactment thereof.

Reading for the First Time by Title: December 3, 2025

Read for the Second Time by Title & Summary: January 14, 2026

Read for the Third Time and Enacted: February 4, 2026

George (Denny) Cogswell
Mayor

Linda Sullivan Brown
Chief Administrative Officer/Clerk

Schedule A

**DECLARATION OF FAMILIARITY
WITH THE
CONFLICT OF INTEREST PROVISIONS**

I, (full name) _____ declare that, as a member of council,

- I have read and understood Part 8 of the *Local Governance Act* regarding conflicts of interest,
- I commit to respecting those requirements,
- I understand that any breach of those requirements may be investigated and sanctioned by council and the Local Governance Commission and

Declared on _____ 20 _____

Signature

Before me _____
Clerk

A copy of this declaration is filed with the Clerk's office and may be subject to requests under the *Right to Information and Protection of Privacy Act*.

Schedule B
COMPLAINT FORM

This complaint is against what member(s) of council?

What section(s) of this by-law do you believe has(have) been violated?

When was the by-law contravened?

Facts: Why do you believe a member of council has contravened the by-law. Include the date, time and location of the conduct, details and names of all persons involved, as well as any witnesses and their contact information.

Attach extra page if necessary.

By signing below,

- I understand that this form may be sent to the member(s) named in this complaint, council, an external consultant and the Local Governance Commission,
- I understand that I may be asked to participate further in an investigation of the complaint,
- I understand that this matter may be discussed and voted upon in a council meeting which is open to the public, unless the subject matter of the complaint has been identified as being appropriate for a closed meeting; and
- I certify that I have personal knowledge of the facts as laid out in this form and declare that the information is true and accurate to the best of my knowledge.

Date : _____

Signature : _____

Please provide your name, complete address and how to reach you (telephone, cell and email):

Name: _____

Address: _____

T: (____) _____- _____ C: (____) _____- _____

_____ @ _____

This complaint may be subject to requests under the *Right to Information and Protection of Privacy Act*.