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BY-LAW No. 2

A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF SUNBURY-YORK SOUTH RURAL COMMUNITY

1. AUTHORITY:

- 1.1. Pursuant to the authority granted by Regulation 2024-48 Under the Local Government Act, the Council of the Sunbury-York South Rural Community enacts this by-law to govern the Code Of Conduct at Meetings Of Council.
- 1.2. This by-law may be cited as the “Code of Conduct By-Law”.

2. PURPOSE:

- 2.1. A Code of Conduct By-law ensures that Members of Council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the Local Government Act.
- 2.2. The establishment of a Code of Conduct By-Law is consistent with the principles of transparent and accountable government, reflecting the values of the Sunbury-York South Rural Community, its commitment to professional, accountable and lawful conduct, and its desire to provide strong local governance and leadership

3. APPLICATION:

- 3.1. This Code of Conduct By-Law applies to all Members of Council, including the Mayor and Deputy Mayor, of the Sunbury-York South Rural Community.
- 3.2. This Code of Conduct By-law applies to members of staff while required to attend a meeting of Council as well as members of the public while attending a meeting of Council.
- 3.3. This by-law is to be given broad and liberal interpretation in accordance with the applicable legislation. It is not possible to write a Code Of Conduct that covers every scenario and, accordingly, Members are to be guided the and conduct themselves in a manner that reflects the spirit and intent of this by-law and the high standards of professional conduct expected by the public.

4. DEFINITIONS:

- 4.1. “Act” means the Local Governance Act.
- 4.2. “Chair” means the member of Council presiding over a meeting of Council.
- 4.3. “Clerk” means the Clerk of Sunbury-York South Rural Community.
- 4.4. “Confidential Information” means information in the possession of, or received in confidence by, SYSRC that the municipality and its elected officials and employees are prohibited from disclosing pursuant to legislation, court order or by contract. It also includes information that is precluded from disclosure under the Right To Information and Protection of Privacy Act. It also includes information that pertains to the business of SYSRC that is generally considered to be confidential, including but not limited to the following:
 - 4.4.1. The security of municipal property
 - 4.4.2. A proposed or pending acquisition or disposal of land or other property.
 - 4.4.3. A tender that has or will be issued but has not been awarded.
 - 4.4.4. Contract negotiations.
 - 4.4.5. Employment and labour relations
 - 4.4.6. Draft documents and legal instruments (including reports, policies, by-laws and resolutions) that have not been subject matter to deliberation in a meeting open to the public.
 - 4.4.7. Law enforcement matters
 - 4.4.8. Litigation or potential litigation, including matters before administrative tribunals.
 - 4.4.9. Advice that is subject to lawyer-client privilege.
 - 4.4.10. Matters discussed in a Closed Council Meeting in accordance with the Act.
- 4.5. “Council” means the Council of Sunbury-York South Rural Community.
- 4.6. “Staff” means the full time, part time, contract or seasonal employees of Sunbury-York South Rural Community.
- 4.7. “SYSRC means Sunbury-York South Rural Community.

5. VALUES:

- 5.1. Members must perform the duties of their office with honesty, integrity, objectivity, impartiality and accountability.
 - 5.1.1. Honesty – Members have a duty to act truthfully, respectfully, politely and in good faith to serve the welfare and interest of Sunbury-York South Rural Community as a whole. Members must be open to having frank, courteous and respectful communications with other Members, staff and the public.

- 5.1.2. Integrity – Members have a duty to perform their functions of office with integrity, accountability and transparency. Members must always conduct themselves in a professional manner.
- 5.1.3. Objectivity – Members have a duty to communicate appropriate information openly to the public about decision-making processes and issues being considered. Members must encourage public participation where appropriate, communicate clearly and allow for public scrutiny and feedback.
- 5.1.4. Impartiality – Members have a duty to serve and be seen to serve the welfare and interest of Sunbury-York South Rural Community in a conscientious and diligent manner. Members must carry out their duties in accordance with all applicable laws and regulations, by-laws and policies pertaining to their position as an elected official.
- 5.1.5. Accountability – Members have a duty to always conduct themselves in a professional and accountable manner. Members must accept responsibility for their individual actions and decisions and be respectful of the decisions made by Council.

6. CONFLICT OF INTEREST:

- 6.1. Members have a statutory duty to comply with the Conflict of Interest provisions set out in Part 8 of the Act.
- 6.2. Upon assuming office, each Member shall be required to file a statement with the Clerk disclosing any actual or potential conflict of interest of which the Member has knowledge or ought reasonably to have knowledge. The Clerk shall then file this statement with the Local Governance Commission, established under the Local Governance Commission Act.
- 6.3. Members are to be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 6.4. It is the individual responsibility of each Member to seek independent legal advice, at the Members own expense, with respect to any situation that may result in pecuniary or other conflicts of interest.
- 6.5. No Member 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:
 - 6.5.1. Use any influence of the office for any purpose other than official duties.
 - 6.5.2. Use any information gained in the execution of the office that is not available to the public for any purpose other than official duties.

6.5.3. Place themselves in a position of obligation to any person or organization who might reasonably benefit from special consideration or may seek preferential treatment.

6.5.4. Influence any Council decision or decision-making process involving or affecting any person or organization in which a Member or Members have a financial interest.

7. COUNCIL CONDUCT AND RESPONSIBILITIES:

7.1. Members shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected.

7.2. Members shall be open, honest and focus on the issues rather than personalities.

7.3. Members shall not engage in offensive, aggressive or abusive conduct towards other Members, staff or the public.

7.4. Members must not use indecent or abusive language, or insulting words or expressions towards other Members, staff or the public.

7.5. Members shall perform their official duties in accordance with the following general principles:

7.5.1. Be honest and open with Members, staff and the public.

7.5.2. Make decisions that are in the best interests of whole community.

7.5.3. Make decision based on careful and objective consideration of the facts.

7.5.4. Ensure that objectivity, impartiality and transparency are emphasized in decision-making.

7.5.5. Be accountable for the decisions of Council.

7.5.6. Demonstrate a high level of integrity and professionalism when representing the community.

7.5.7. Ensure all duties are performed in compliance with federal and provincial laws, municipal by-laws, policies and procedures of SYSRC.

7.6. Decision making authority lies with Council, not with any individual Member of Council.

7.7. Unless authorized by Council, no Member shall attempt to bind the municipality or give direction to staff, agents, contractors, consultants or other service providers or prospective vendors.

7.8. Members shall not use, or attempt to use, their authority or position to influence staff with the intent of interfering with their duties.

7.9. A Member shall not use their position for any purpose other than the exercise of their official duties.

- 7.10. Members shall make themselves familiar with the relevant federal, provincial and local government laws, regulations, policies and procedures, including but not limited to the Right to Information and Protection of Privacy Act.
- 7.11. Members shall not impugn or malign a debate or decision or otherwise erode the authority of Council. Members have the right to express disagreement with positions put forward by other Members provided such disagreement remains focused on the issue. Once Council has adopted a resolution, Members are expected to support the resolution and the work associated with carrying out this resolution.
- 7.12. Without limiting the generality of the foregoing, Members shall not:
- 7.12.1. Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to have known to be offensive to the person(s) to whom they are directed to or about.
 - 7.12.2. Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory.
 - 7.12.3. Make threats or engage in any abusive activity or course of conduct towards others, including bullying.
 - 7.12.4. Vandalize the personal property of others.
 - 7.12.5. Commit assault of any kind, including making unwanted physical contact.
 - 7.12.6. Refuse to converse or interact with anyone based on any grounds listed in the Human Rights Act.

8. COMMUNICATION WITH THE PUBLIC:

- 8.1. The Mayor speaks on behalf of the Council to all media.
- 8.2. The Mayor may delegate another Member to speak to the media on a specific issue.
- 8.3. Members of Council shall not claim to speak on behalf of Council unless specifically authorized to do so by the Mayor or his/her delegate.
- 8.4. Members authorized to speak on behalf of Council have a duty to accurately communicate the decisions of Council, even if they disagree with Council's position. This fosters respect for the decision-making process.
- 8.5. Members recognize that they are always representatives of SYSRC.
- 8.6. Members shall not make a statement they know, or ought reasonably to know, is false or misleading with respect to material fact, or omit material fact which makes the statement false or misleading.
- 8.7. Members shall not make statements that are known to be, or ought reasonably to have known to be, defamatory to other Members of Council, staff or the public.

9. USE OF SOCIAL MEDIA:

- 9.1. The Mayor, Clerk or their delegates are the only people permitted to post to the SYSRC social media sites. The posts are limited to SYSRC informational matters, not opinions.
- 9.2. Members recognize that they are always representatives of SYSRC when they are using their personal social media platforms.
- 9.3. Members recognize that the public cannot easily discern the difference between private social media accounts and accounts belonging to SYSRC. Therefore, Members shall refrain from saying or posting personal opinions regarding SYSRC issues on their personal social media sites.
- 9.4. Members are not permitted to engage in activities to hide their identity as a Member while on social media.
- 9.5. Members shall not respond to or comment on social media posts. All questions, comments or complaints shall be referred to the municipal office.
- 9.6. Members shall not use their personal social media accounts to criticize other Members, staff or members of the public.
- 9.7. Members shall not engage in or encourage activities such as bullying, blaming or shaming anyone. These activities misplace the focus of interaction on attacking individuals rather than engaging in constructive discussion or debate.

10. USE OF PROPERTY, RESOURCES AND SERVICES:

- 10.1. Members shall not use, or permit others to use, property, resources or services of SYSRC for personal convenience or profit, except where such privileges are available to the public.
- 10.2. Members must ensure that the business of SYSRC is conducted efficiently while avoiding waste, abuse and extravagance.
- 10.3. A Member must not use SYSRC property, resources or services for purposes that are:
 - 10.3.1. Unreasonable or for purposes other than those intended.
 - 10.3.2. For their personal gain.
 - 10.3.3. In support of a candidate in an election.

11. USE OF COMMUNICATION TOOLS:

- 11.1. Electronic devices which may be provided by SYSRC are the property of SYSRC and shall always be treated as property of SYSRC.
- 11.2. Members are provided with email accounts belonging to SYSRC. All business conducted on behalf of SYSRC shall be done using the SYSRC email account.
- 11.3. Conducting SYSRC business on a personal email account is not permitted. Any SYSRC business conducted on personal email accounts is subject to the provisions of the Right To Information and Protection of Privacy Act.
- 11.4. Members are advised that there is no expectation of privacy in the use of these devices and that:
 - 11.4.1. All emails and messages sent or received on municipal devices and accounts are subject to the provisions of the Right To Information and Protection of Privacy Act.
 - 11.4.2. All files stored on municipal devices, use of internal email and use of the internet provided by SYSRC may be inspected, traced or logged by SYSRC.
 - 11.4.3. In the event of a complaint pursuant to this by-law, Council may require the Member to surrender all devices supplied by SYSRC. The information retrieved from the devices may be inspected and copied as part of an investigation.
 - 11.4.4. No Member shall use devices supplied by SYSRC to engage in activity that could be considered offensive, inappropriate or otherwise contrary to our By-laws.

12. CONFIDENTIAL INFORMATION:

- 12.1. Members shall only be entitled to have access to information in the possession of SYSRC that is relevant to matters before Council or a Committee or is relevant to their role as a Member of Council. Otherwise, Members have the same right to information as a member of the public.
- 12.2. No Member shall use confidential information for personal benefit or for the benefit of any other person or organization.
- 12.3. Members shall not disclose confidential information which they become aware of during the exercising of the Member's duties concerning:
 - 12.3.1. The property, personnel or legal affairs of SYSRC.
 - 12.3.2. A Member of Council, staff or a member of the public.

13. COMPLAINTS:

13.1. Informal Complaint Process:

13.1.1. Any person who witnesses conduct by a Member that the person reasonably believes is in contravention of this by-law may address the conduct by:

13.1.1.1. Advising the Member that the conduct violates the by-law and asking the Member to stop the conduct.

13.1.1.2. Requesting the Mayor to assist in an informal discussion with the Member to resolve the issue. In the event that the Mayor is the subject of, or implicated in, the complaint, the person may request the assistance of the Deputy Mayor.

13.1.2. Residents are encouraged to pursue this informal complaint procedure as the first means of remedying the conduct they believe is in contravention of the by-law. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint process.

13.2. Formal Complaint Process: Part 1 – Filing a Complaint

13.2.1. Any person who has witnessed conduct by a Member that the person believes contradicts the provisions of this By-law may make a formal complaint in accordance with the following procedure:

13.2.1.1. All complaints shall be made in writing to the Clerk and must be signed and dated by the person making the complaint. Unsigned complaints will not be considered.

13.2.1.2. All complaints must be filed with the Clerk within ninety (90) calendar days of the alleged breach of this by-law. Complaints may be filed by email, mail (postmarked within the ninety (90) day period specified in 13.2.1.2) or hand delivered to the Clerk.

13.2.1.3. The complainant shall specify the following:

13.2.1.3.1. The name(s) of the Member the complaint pertains to.

13.2.1.3.2. The section(s) of the By-law believed to have been breached.

13.2.1.3.3. The date of the alleged breach.

13.2.1.3.4. The facts and an explanation as to why there may be a breach.

13.2.1.3.5. Identification of any witnesses to the alleged breach.

13.2.1.3.6. Any evidence or material in support of the alleged breach.

13.2.1.4. All complaints are to be forwarded to the Mayor. If the Mayor is not available, or is named in the complaint, the complaint shall be forwarded to the Deputy Mayor. If neither the Mayor or Deputy Mayor are available to handle the complaint, the Clerk shall request that Council convene a meeting to appoint, by majority vote, a Member to lead the procedure to deal with the complaint.

13.3. Formal Complaint Process: Part 2 – Initial Review By The Mayor

- 13.3.1.1. Upon receipt of the complaint, the Mayor shall notify the affected Member in writing and conduct an initial review of the complaint.
- 13.3.1.2. The initial review shall determine if the complaint meets the requirements set forth in this by-law. If the written complaint is submitted anonymously or if it is received after the time period allowed in 13.2.1.2, the Mayor shall dismiss the claim and notify the Member and the complainant, if known. Failure to provide other details specified in 13.2.1.3 may result in dismissal or the Mayor may ask for further details.
- 13.3.1.3. If the complaint is not dismissed in the initial review by the Mayor, the Mayor shall instruct the Clerk to add the complaint to the agenda for the next scheduled Council Meeting. If, in the opinion of the Mayor, the matter requires immediate attention, the Mayor may instruct the Clerk to schedule a Special Meeting of Council to address the complaint.
- 13.3.1.4. The accused Member shall be notified in writing that the matter is being referred to the next Regular or Special Meeting for debate. The Member are permitted to have legal representation present at the meeting.
- 13.3.1.5. The initial review by the Mayor as outlined above must be completed within five (5) business days of receipt of the complaint.

13.4. Formal Complaint Process: Part 3 –Review By The Council

- 13.4.1. Before it debates the matter, Council shall afford the accused Member an opportunity to respond to the allegations. The accused Member may request the matter be tabled until the next meeting to allow for his/her legal counsel to be present. If so, the Council shall reconvene no later than seven (7) calendar days at a Special Meeting of Council.
- 13.4.2. Before debate begins, the accused Member and the complainant shall leave the room for the duration of the debate and voting on the matter.
- 13.4.3. After conducting their initial review, Council may summarily dismiss the complaint if it concludes that the complaint:
 - 13.4.3.1. Is devoid of merit
 - 13.4.3.2. References an action or conduct that, even if committed, is clearly not a matter covered by this By-law, and/or
 - 13.4.3.3. Is frivolous, vexatious or made for improper purpose.

- 13.4.4.If the complaint is dismissed under 13.4.3 the Council shall provide a report to the affected Member and the complainant within 7 calendar days. The report shall outline the reasons for the dismissal under subsection 13.4.3.
- 13.4.5.If the complaint is not dismissed as outlined in 13.4.3, the Council shall debate the merits of the complaint.

13.5. Formal Complaint Process: Part 4 – Deliberations On The Complaint

- 13.5.1.Council shall review the facts of the complaint in a fair and impartial manner and Members shall have an opportunity to speak on the matter.
- 13.5.2.Council may, by majority vote, do any of the following in response to the complaint:
- 13.5.2.1. Dismiss the complaint
 - 13.5.2.2. Determine that a breach of the By-law has occurred and set out the corrective actions for the breach as outlined in subsection 13.6 of this by-law.
 - 13.5.2.3. Determine that further investigation is required and instruct staff to hire an external investigator with the relevant expertise to conduct a fair and impartial investigation and provide a report outlining the findings and the recommended course of action. The third party shall provide the report to Council no later than sixty (60) calendar days from the date of hire.
 - 13.5.2.4. Table the matter until the SYSRC legal counsel has been consulted.
- 13.5.3.If, under subsection 13.5.2.3, Council hires a third party to conduct an investigation, Council shall, within thirty (30) days of receiving the report:
- 13.5.3.1. Review the report of the investigator.
 - 13.5.3.2. Hold a vote to determine:
 - 13.5.3.2.1. Whether the Member has breached the code of conduct
 - 13.5.3.2.2. Pass a resolution to impose corrective actions as specified in 13.6 of this by-law.
 - 13.5.3.3. The accused Member shall not participate in the votes on this matter.

13.6. Formal Complaint Process: Part 5 – Corrective Actions

13.6.1. If Council determines that a Member has breached provisions of this By-law, Council may take corrective actions which may include, but are not limited to, any of the following:

13.6.1.1. Demand for a public and/or written apology.

13.6.1.2. Reprimanding the Member

13.6.1.3. A requirement for the Member to attend relevant training

13.6.1.4. Suspension from exercising the powers or performing the duties conferred under Section 48 of the Act

13.6.1.5. Reduction or suspension of the remuneration provided to the Member

13.6.1.6. Reducing or suspending the Member's privileges, including travel or the use of resources, services or property of SYSRC

13.6.1.7. Other penalties and/or sanctions provided for in any other relevant federal or provincial legislation

13.6.2. Corrective action taken under 13.6.1.4 and 13.6.1.5 shall not be imposed for a period longer than the maximum period prescribed for a suspension under the Local Governance Commission Act.

13.6.3. The Council shall provide, in writing, a report to the affected Member and to the complainant no later than 30 days after the determination of corrective actions to be taken.

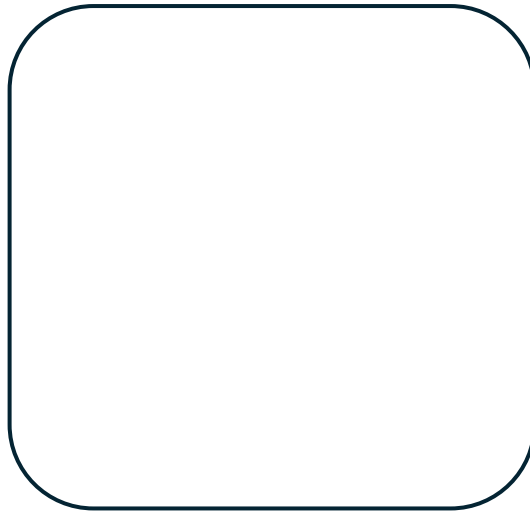
14. Repeal and Effective Date:

14.1. This by-law repeals the following by-laws:

14.1.1. By-Law 2 enacted on December 14th, 2022

14.2. Given under the hand of the Provincially appointed Supervisor, on behalf of the Minister of Local Government and Local Government Reform, on this the _____ day of _____, 2026.

Don Ferguson, Supervisor
Sunbury-York South Rural Community



CORPORATE SEAL OF
SUNBURY-YORK SOUTH RURAL COMMUNITY