



BY-LAW NO. 2026-03

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

WHEREAS the Council of the Sunbury-York South Rural Community, in accordance with paragraph 10(2)(b) of the *Local Governance Act* and regulations adopted thereunder, wishes to establish a code of conduct for the Members of Council.

BE IT ENACTED by the Council of Sunbury-York South Rural Community as follows:

1. TITLE

This by-law shall be cited as the "Code of Conduct By-law".

2. DEFINITIONS

"Act" means the *Local Governance Act* and regulations made thereunder, as amended.

"Administration" means the employees of Sunbury-York South Rural Community.

"Bullying" means repeated or severe behaviours directed at an individual that a reasonable person would consider to be humiliating, intimidating, threatening, or sabotaging, including verbal abuse, social exclusion, spreading malicious rumours, or deliberate undermining of work or participation.

"Clerk" means the person appointed to the position of Clerk by Council under the provisions of the Act.

"Confidential Information" means information in the possession of SYSRC that is not in the public domain and that is by law, policy, or resolution required to be kept confidential, including information considered in a meeting closed to the public, personal information, personnel matters, legal advice, litigation privilege, proprietary or commercial information, and information designated confidential by the Clerk or Council.

"Council" means the Mayor and Councillors duly elected of Sunbury-York South Rural Community.

"Councillor" means a person elected to the office of Council other than the Mayor.

“Deputy Mayor” means a Member of Council who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor.

“Mayor” means a person elected to the office or a person who exercises the powers and performs the duties associated with the position on an interim basis.

“Member” or “Member of Council” means any person duly elected to Council.

“Social media” means freely accessible, third-party hosted, interactive internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network and include but are not limited to X, Threads, Facebook, Instagram, Snapchat, YouTube and LinkedIn.

“SYSRC” means Sunbury-York South Rural Community.

PART 1 – CODE OF CONDUCT

3. VALUES

Members must perform their function of office with honesty, integrity, objectivity, impartiality, and accountability.

a) Honesty

Members have a duty to act truthfully, respectfully, politely, and in good faith to serve the welfare and interest of SYSRC as a whole. Members must be open to having frank, courteous, and respectful communication with other Members, Administration, and the public.

b) 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.

c) 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.

d) Impartiality

Members have a duty to serve and be seen to serve the welfare and interest of SYSRC in a conscientious and diligent manner. Members must carry out their duties in accordance with all applicable legislation, by-laws, and policies pertaining to their position as an elected official.

e) 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 decisions made by Council.

4. CONFLICT OF INTEREST

- a) Subject to subsection (b), each Member must be familiar with the conflict-of-interest provisions under Part 8 of the Act and shall comply with those provisions.
- b) On assuming office, each Member shall file a statement with the Clerk disclosing any actual or potential conflict of interest of which the Member has knowledge, and the Clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.
- c) If a conflict of interest arises while a Member is in office, the Member shall immediately file a statement disclosing the conflict of interest with the Clerk, and the Clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.
- d) A statement disclosing a conflict of interest shall be made in the form prescribed by regulation.
- e) Any Member who has a conflict of interest with respect to any matter in which Council or a committee is concerned, and the Member is present at a meeting of Council or a meeting of a committee, or any other meeting at which business of the Council or a committee is conducted, at which the matter is a subject of consideration, the Member shall:
 - i. as soon as the matter is introduced, disclose that the Member has a conflict of interest in the matter,
 - ii. immediately withdraw from the meeting room while the matter is under consideration or put to a vote, and
 - iii. as soon afterwards as the circumstances permit, file a statement disclosing the conflict of interest with the Clerk, and the Clerk shall then file the statement with the Local Governance Commission established under the Local Governance Commission Act.

5. BEHAVIOUR

- a) Members have a duty to treat fellow Members of Council, Administration, and the public with respect, concern and courtesy.
- b) Members must not engage in discrimination, bullying, harassment or use of derogatory language towards others in their roles.

- c) Members shall respect fellow Members of Council, Administration, and the public present during meetings to provide an environment for transparent and healthy debate on matters requiring decision-making.
- d) Members must not use indecent, abusive, or insulting words or expressions toward any other Members of Council, Administration, and the public.
- e) Members must not use, or attempt to use, their authority or position to influence Administration with the intent of interfering in their duties.
- f) Members must not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Administration.
- g) Retaliation against a person who, in good faith, reports a concern, provides information, participates in an investigation, or opposes prohibited conduct is a violation of this by-law and may be sanctioned under section 17.
- h) In addition to (a) through (g), a Member
 - i. must not use their position for any purpose other than the exercise of their official duties, and
 - ii. must be familiar with the relevant federal and provincial laws and SYSRC by-laws, policies and procedures, including, without limitation, the *Right to information and Protection of Privacy Act*.

6. USE OF PROPERTY, RESOURCES AND SERVICES

- a) Members must not request or permit the use of property, resources and services for personal convenience or profit, except where such privileges are granted to the public.
- b) Members must ensure that the business of SYSRC is conducted efficiently while avoiding waste, abuse and extravagance when providing or using rural community resources.
- c) In addition to (a) and (b), a Member must not use SYSRC property, resources and services that is
 - i. unreasonable or for purposes other than those intended,
 - ii. or their personal gain, or
 - iii. in support of a candidate in a local government election.

7. PUBLIC COMMUNICATION

- a) Members recognize that the Mayor or, if unavailable, the Deputy Mayor speaks on behalf of Council to the media.
- b) Members have a duty to accurately communicate the decisions of council, even if they disagree with council's decision to foster respect of the decision-making process.

- c) Members recognize they are always representatives of SYSRC including when engaging in social media activities and must identify when the views they express are their own and not those of Council.
- d) In addition to (a) through (c), a Member must not
 - i. 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 that statement false or misleading, or
 - b. is defamatory to a Member of Council, an officer or employee of SYSRC or a member of the public, and
 - ii. discloses confidential information of which the Member becomes aware in the exercise of the Member's duties concerning
 - a. the property, personnel or legal affairs of SYSRC, or
 - b. a Member of Council, an officer or employee of the local government or a member of the public.

8. GIFTS, BENEFITS, AND HOSPITALITY

- a) Members shall not accept gifts, benefits, or hospitality that could reasonably be perceived to influence their objectivity, independence, or performance of duties.
- b) Members shall decline and, where impracticable to decline, promptly disclose any gift or benefit exceeding **[\$50 CAD]** in value from a single source on a single occasion, or aggregating more than **[\$200 CAD]** from the same source in a calendar year.
- c) Members shall file with the Clerk by **[January 31]** of each year an annual disclosure listing all gifts and benefits accepted in the previous calendar year that meet the thresholds in paragraph 8 a).
- d) Permissible Gifts include:
 - i. protocol gifts or tokens customary to official duties;
 - ii. gifts from immediate family and close personal friends where clearly not connected to official duties;
 - iii. refreshments, meals, or hospitality provided at widely attended events where the Member is speaking or attending in an official capacity and of modest value;
 - iv. prizes or awards open to the public or to a broad class of participants based on chance or merit;
 - v. educational materials and nominal conference souvenirs; and
 - vi. benefits expressly approved by Council in advance.
- e) Prohibited Sources. Members shall not accept gifts or benefits from a person or entity with an active matter before Council or where a reasonable person would perceive a real or apparent conflict.
- f) Disposition. Gifts that cannot be accepted may be declined, returned, donated to charity, or surrendered to SYSRC for appropriate disposition, with a record filed with the Clerk.

9. APPLICABLE LAWS

- a) Each Member shall comply with applicable federal or provincial law or SYSRC by-laws, policies and procedures in the performance of their duties.

PART 2 - COMPLAINTS

10. FILING A COMPLAINT

- a) Any person may submit a complaint that a Member has violated this by-law and must include the following:
 - i. Their full name, address, telephone number, and e-mail address (if any).
 - ii. Name of the Member who they believe violated this by-law.
 - iii. The relevant section of the by-law they believe was violated.
 - iv. Specific facts that support the contravention including but not limited to date, time, location, details of individuals present and/or involved, any witnesses, and contact information of any other individual.
- b) All complaints must be in writing and filed by email, regular mail, or delivered to the Clerk's office of SYSRC within two (2) years from the date the Member is alleged to have contravened the by-law.
- c) Notwithstanding any other provisions of this by-law, any formal complaint received by the Clerk ninety (90) days before the date of a municipal election shall not be referred to the Mayor or other Member for an initial assessment until after the election has occurred.
- d) The Clerk will promptly forward the complaint to the Mayor for initial review. If the complaint is against the Mayor, the Clerk will forward the complaint to the Deputy Mayor for initial review. If the Deputy Mayor is unable to consider the complaint, the Clerk shall request Council to select another Member by a majority vote at a duly convened Council meeting.

11. INITIAL REVIEW BY THE MAYOR

- a) Upon receiving a written complaint from the Clerk, the Mayor (or other Member as set out above) shall:
 - i. notify the Member who is the subject of the complaint of the allegations made therein; and
 - ii. review the written complaint as presented.
- b) If, after conducting their initial review, the Mayor concludes that the complaint as presented was filed after the required two (2) year time period, the Mayor shall immediately dismiss the complaint.
- c) If the Mayor dismisses the complaint, a decision in writing shall be provided to both the complainant and Member and set out the reasons why the complaint will be dismissed.

- d) If the complaint is not dismissed, the Mayor shall instruct the Clerk to bring the matter before Council at the next scheduled Council meeting.
- e) Either decision under c) or d) must be completed within five (5) business days of receiving the complaint.

12. INITIAL REVIEW BY COUNCIL

- a) The initial review shall be conducted by Council at the next scheduled Regular or Special Meeting .
- b) If, after conducting their initial review, Council concludes that the complaint as presented:
 - i. is, on its face, devoid of merit;
 - ii. references an action or conduct that, even if committed, is clearly not a matter covered by this by-law; and/or
 - iii. is frivolous, vexatious or made for an improper purpose, Council shall summarily dismiss the complaint.
- c) If Council dismisses the complaint, the decision shall be provided in writing within five (5) business days to both the complainant and Member setting out the reasons why the complaint was dismissed.
- d) If the complaint is not dismissed, Council must decide whether SYSRC will investigate or refer the matter to a third party with relevant experience to investigate and provide a report and recommendation to Council.

13. INVESTIGATION BY THIRD PARTY

- a) The third party must conduct an investigation in a fair and impartial manner which may include:
 - i. meeting with or communicating with the complainant to obtain whatever additional information, submissions and documentation they wish to provide,
 - ii. meeting with or otherwise communicating with the Member, who is the subject of the complaint, to obtain whatever additional information, submission and documentation they wish to provide,
 - iii. meeting with or otherwise communicating with any other individual who might have knowledge of the complaint matter and consider any other material deemed relevant and
 - iv. explore with the complainant and Member if the complaint can be resolved in a satisfactory manner.
- b) The third party shall produce a report detailing their findings, conclusions and recommendations to Council within two (2) months of being retained.

14. INVESTIGATION BY COUNCIL

- a) If Council conducts the investigation, the investigation must be conducted in a fair and impartial manner. The complainant and Member may be invited to attend a Regular or Special Meeting and answer questions or clarifications from Council.
- b) . 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.
- c) The accused Member is entitled to be present for the entirety of the meeting, including presentation of evidence and submissions, including any portion of the meeting that is closed to the public in accordance with s. 68(1) of the *Local Governance Act*.
- d) The accused Member shall receive, in a timely manner and prior to the meeting, all evidence and materials that Council will consider, subject to lawful confidentiality restrictions; where redactions are necessary, a summary sufficient to allow meaningful response shall be provided.
- e) The complainant and witnesses shall have a reasonable opportunity to present relevant information and to respond to new adverse information raised at the meeting.
- f) Council shall determine a decision if the Member has or has not violated the by-law and provide the reasons to support such a determination in a report within two (2) months from the first meeting held in section a) above.

15. REPORT

- a) A report produced under paragraphs 13 and 14 must be prepared in a manner to address applicable privacy concerns and confidential information, including having due regard for the *Right to Information and Protection of Privacy Act* and matters that may have been before Council in a closed meeting under section 68 of the Act.
- b) The report shall be shared publicly at a Council meeting.

PART 3 – COUNCIL DECISION

16. DECISION

- a) A report received under section 13 or 14 must be brought before Council at its next meeting.
- b) Subject to c) and d) below, Council must
 - i. review the report and
 - ii. when the review is finished, hold a vote
 - a. to determine whether the Member breached the code of conduct, and
 - b. to pass a resolution respecting the appropriate corrective action, if any.

- c) If the report under a) deals with any of the matters referred to in subsection 68(1) of the Act, the public may be excluded from the meeting for the duration of the review under section b) i. The Member and complainant, along with their legal counsel, may be in attendance unless confidentiality is required under subsection 68(1) of the Act.
- d) The affected Member shall not participate in any vote held under section b) ii.

PART 4 – CORRECTIVE ACTIONS

17. ACTION

- 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,
 - i. reprimanding the Member,
 - ii. requiring that the Member issue a letter of apology,
 - iii. requiring that the Member attend training or counselling as directed by Council,
 - iv. suspending the Member from exercising the powers or performing the duties conferred under section 48 of the Act,
 - v. suspending the Member from participating in Council committees and/or from the position of Chair of Council committees,
 - vi. reducing or suspending the Member's compensation for the duration of any suspension imposed under paragraph (iv),
 - vii. reducing or suspending the Member on travel and representation on behalf of SYSRC,.
 - viii. any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction is not contrary to the Act.
- b) A corrective action under paragraph a) iv, a) v, a) vi, or a) vii. shall not be imposed for a period longer than the maximum period prescribed for a suspension under the *Local Governance Commission Act*.
- c) Any corrective action imposed upon a Member under a) iv. shall include that the Member will not carry out the following actions and/or responsibilities during the period of suspension:
 - i. preside over Council, Committee of the Whole, and Council committee meetings,
 - ii. provide leadership to Council,
 - iii. participate in Council, Committee of the Whole, and Council committee meetings,
 - iv. communicate information and recommend any actions for the improvement of SYSRC,
 - v. be included as a recipient on any correspondence from any Member or Administration
 - vi. speak on behalf of the Council,
 - vii. fulfill any other duties assigned by Council or the Act including representing SYSRC at any CRSC or any other organization,
 - viii. restrict access to SYSRC facilities, property, equipment, services and supplies, and
 - ix. restrict contact with SYSRC Administration including supervision

- d) Any Member who has been sanctioned by Council as a result of a violation of this by-law shall fulfill any obligations or restrictions imposed on them sincerely and in good faith and a failure to do so shall, in itself, constitute a new violation of this by-law.

PART 5 – STATEMENT OF COMMITMENT

18. ACKNOWLEDGEMENT

- a) Members acknowledge the importance of the principles contained in this by-law. Members are required to sign a “Statement of Commitment to the Code of Conduct” as set out on Schedule “A” within seven (7) calendar days of this by-law or any amendment thereto coming into force and effect, and within seven (7) calendar days of taking the oath of office pursuant to section 58 of the Act

PART 6 – REPEAL AND EFFECTIVE DATE

19. REPEAL

- b) By-law No. 2 enacted on the 14th day of December, 2022 is hereby repealed.

20. EFFECTIVE DATE

- a) This by-law shall come into force and effect upon receiving third reading and being signed.

First Reading (in its entirety)	_____
Second Reading (by title only)	_____
Third Reading and Enacted	_____

MAYOR

CLERK

SCHEDULE "A"

STATEMENT OF COMMITMENT TO THE CODE OF CONDUCT

I, (Print Full Name) _____ declare that, as a Member of Council of Sunbury-York South Rural Community, I have read and understand By-law No.2025-03, being a By-law Respecting a Code of Conduct for the Council of Sunbury-York South Rural Community.

Signed: _____
(Member's signature)

Declared this _____ day of _____, 20__

before me:

(Clerk's signature)