



**CITY OF CHARLOTTETOWN
COUNCIL CODE OF CONDUCT BYLAW
#2020-CC-01**

To repeal the City of Charlottetown Council Code of Conduct Bylaw (#2018-15) which was approved and adopted December 4, 2018 (amended February 11, 2019 and March 6, 2019) and replace with the attached Council Code of Conduct Bylaw (#2020-CC-01)

RESOLVED: THAT the attached bylaw "CITY OF CHARLOTTETOWN COUNCIL CODE OF CONDUCT BYLAW (#2020-CC-01)" be read a first time.

Moved by Councillor *Julie McCabe* Julie McCabe
 Seconded by Councillor *Alanna Jankov* Alanna Jankov
 Date: September 14, 2020

M
8-2
(Councillors
Doiron &
Tweed
opposed)

RESOLVED: THAT the bylaw be now be approved as a City Bylaw and that it be entitled the "CITY OF CHARLOTTETOWN COUNCIL CODE OF CONDUCT BYLAW (#2020-CC-01)" and that it be read a second time at the next public meeting of Council.

Moved by Councillor *Julie McCabe* Julie McCabe
 Seconded by Councillor *Alanna Jankov* Alanna Jankov
 Date: September 14, 2020

M
8-2
(Councillors
Doiron &
Tweed
opposed)

THEREFORE; BE IT RESOLVED: THAT the "CITY OF CHARLOTTETOWN COUNCIL CODE OF CONDUCT BYLAW (#2020-CC-01)" be read a second time and that the said Bylaw be now adopted.

Moved by Councillor *Julie McCabe* Julie McCabe
 Seconded by Councillor *Alanna Jankov* Alanna Jankov
 Date:

M
8-1
Councillors
Doiron &
Tweed
absent)

This Council Code of Conduct Bylaw, #2020-CC-01, was adopted by a majority of Council members present at the Council meeting held on 17th day of September, 2020.

(Signature)
Peter Kelly, CAO
(Signature)
Philip Brown, Mayor

CITY OF CHARLOTTETOWN
COUNCIL CODE OF CONDUCT BYLAW
BYLAW #2020-CC-01

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Council Code of Conduct Bylaw.”

2. Purpose

2.1. The purpose of this Bylaw is to set minimum expectations for the behaviour of Members of Council in carrying out their functions and making decisions that benefit the City of Charlottetown.

3. Authority

3.1. Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., provides that a Council must establish a Code of Conduct bylaw to govern the conduct of Members of Council.

4. Application

4.1. This Bylaw applies to the Mayor and all other Members of Council.

4.2. This Bylaw operates together with the following statutes, and any regulations or other delegated legislation made pursuant to them:

- (a) the *Municipal Government Act*; and
- (b) the *Criminal Code of Canada*.

4.3. This Bylaw is to operate in addition to other Acts, bylaws, policies, and administrative directives as may be determined by Council.

5. Definitions

5.1. In this Bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in that Act.

5.2. In this Bylaw,

- (a) “Act” means the *Municipal Government Act*.
- (b) “Chief Administrative Officer” (CAO) means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the *Municipal Government Act*.

- (c) "City" means the City of Charlottetown.
- (d) "Complainant" means a person who submits a written complaint alleging a breach of this Bylaw pursuant to section 25.3.
- (e) "Confidential Information" means information that could reasonably harm the interests of individuals or organizations, including the City, if disclosed to persons who are not authorized to access the information. Confidential Information includes, but is not limited to, information that falls into the following or similar categories:
 - (i) commercial information of the City or a third party which, if disclosed, would likely be prejudicial to the City or parties involved;
 - (ii) information received in confidence which, if disclosed, would likely be prejudicial to the City or parties involved;
 - (iii) technical, financial, or scientific information of the City or a third party;
 - (iv) personal information that is protected from disclosure under the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*;
 - (v) privileged information;
 - (vi) information related to human resource matters; and any other information collected, obtained, or derived for or from municipal records that must or may be kept confidential.
- (f) "Council" means the Mayor and other members of the Council of the City.
- (g) "Family Member" means in relation to a person, a spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of the person.
- (h) "Integrity" means Members of Council are keepers of the public trust and must uphold the highest standards of ethical behavior. Members of Council are expected to:
 - (i) make decisions that benefit the community;
 - (ii) act lawfully and within the authorities of the City of Charlottetown; and
 - (iii) be free from undue influence and not act, or appear to act, so to gain financial or other benefits for themselves, Family Member, friends, or business interests.
- (i) "Member of Council" or "Member" means a person serving as the Mayor or other member of the Council of the City.
- (j) "Person Closely Connected" (to a Member of Council) means a Family Member, an agent, a business partner, or an employer of the person.

- (k) “Respondent” means a Member of Council who is the subject of a written complaint pursuant to section 25.3.
- (l) “Staff” includes the Chief Administrative Officer (CAO) and all staff of the City, whether full-time, part-time, casual, contract, seasonal or volunteers.
- (m) “Unduly Critical” means to excessively find fault or to judge with severity.

6. Interpretation

- 6.1. This Bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation and the definitions set out in it.

7. Periodic Review

- 7.1. The Council Code of Conduct Bylaw will be brought forward for review at the end of each term of Council or when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

PART II – PRINCIPLES

8. Guiding Principles

- 8.1. Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 8.2. Members of Council are expected to act lawfully. They are expected to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family member, friends or business interests as a result of the member holding municipal office.
- 8.3. Members of Council have a duty to make decisions based on the best interests of the City as a whole.
- 8.4. Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny.
- 8.5. Members of Council must act responsibly within the law and within the authority of the Act and all Bylaws of the City.
- 8.6. Members of Council must demonstrate and promote the principles of this Bylaw through their decisions, actions, and behaviour. Their behaviour must build and inspire the public’s trust and confidence in municipal government.
- 8.7. Members of Council must conduct public business efficiently and with decorum. They must always treat each other and others with respect.
- 8.8. Members of Council have a duty to demonstrate openness and transparency about their decisions and actions.

- 8.9. Members of Council have a responsibility to make informed decisions in accordance with the Act and to be prepared, in Council meetings, to bring forth the reasoning and rationale of their vote.

PART III – CONDUCT OF COUNCIL

9. General Conduct

- 9.1. Members of Council must adhere to the following principles and provisions:
- (a) Members of Council must serve, and be seen to serve, the City in a conscientious and diligent manner;
 - (b) Members of Council must be committed to performing their functions with integrity and to avoiding conflicts of interest and the improper use of the influence of their office;
 - (c) Members of Council must not extend, in the discharge of their official duties, preferential treatment to persons closely connected to the Member or organizations and groups in which the Member or persons closely connected to the Member have a direct or indirect pecuniary interest;
 - (d) Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - (e) Members of Council must seek to serve the public interest by upholding both the letter of the law and the spirit of applicable federal, provincial, and municipal laws;
 - (f) Members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful;
 - (g) Members of Council must avoid behaviour that would constitute an act of disorder or misbehaviour. Specifically, Members of Council must avoid conduct that includes but is not limited to:
 - (i) contravening the law, including the *Municipal Government Act*, the Prince Edward Island *Human Rights Act*, City bylaws, associated regulations, and City policies;
 - (ii) an abuse of power or conduct that otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
 - (iii) prejudicing the provision of a service or services to the community.
 - (h) In considering the ethical issues around a conduct or decision, Members of Council, in their deliberation, should include consideration of the following:
 - (i) Is the conduct or decision lawful?

- (ii) Is the conduct or decision consistent with City policy, City bylaws, the Act, Council's objectives, and this Bylaw?
 - (iii) Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends, or business interests?
 - (iv) Can the decision or conduct be justified in terms of the public interest and would it withstand public inquiry?
- (i) Members of Council must respect the decision(s) of Council once a decision is rendered.
- In addition, while respecting the right to have contrary positions and opinions, Members of Council shall avoid any words or actions that are unduly critical or derogatory towards other Members of Council, Staff, or the City's official position on any topic.
- (j) Members of Council shall recognize the responsibility of the Mayor to accurately communicate the decisions of Council, even if there is disagreement with such decisions.
- (k) Members of Council will respect the role of Staff in the administration of the business affairs of the City.

10. Confidential Information

- 10.1. Members of Council must respect rules regarding confidentiality, disclosure, and access to all personal information in the control of the City. No Member of Council will disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in any form, including either oral or written form, except where required by policy or law or authorized by the Council to do so.
- 10.2. No Member of Council will use confidential information for personal or private gain or for the gain of any other person or entity.

Members of Council will not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations, and Council policy.

11. Council Member Disclosure Statements

- 11.1. Each Member of Council is required to file a Council Member Disclosure Statement in the form set forth in Schedule "A" which forms part of this Bylaw, with the CAO within thirty (30) days of being elected.
- 11.2. Each Member of Council is required to declare any subsequent changes to employment, financial interests or other involvements. The CAO shall, when advised,

make amendments to the Council Member's Disclosure Statement, including a notation stating the date on which the statement is amended.

12. Gifts and Benefits

- 12.1. No Member of Council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of their duties of office, except for the following:
- (a) compensation authorized under the *Council Remuneration Bylaw*;
 - (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) a suitable memento of a function honouring the Member of Council;
 - (d) food, lodging, transportation, and entertainment provided by another government or by a conference, seminar, or event organizer where the Member of Council is either speaking or attending in an official capacity at an official event;
 - (e) food and beverages consumed at banquets, receptions, or similar events;
 - (f) communication to the offices of a Member of Council, including subscriptions to newspapers, and periodicals; and
 - (g) sponsorships and donations for community events organized or run by a Member of Council or by a third party on behalf of a Member of Council.
- 12.2 No Member of Council shall accept the use of property or facilities, such as a vehicle, office, or vacation property, at less than fair market value.
- 12.3 No Member of Council shall sell property, goods, and services to the City at higher than fair market value.
- 12.3 A fee or advance paid, or a gift or benefit provided, with the Member's knowledge, to a person closely connected to a member is deemed to be a gift to the Member of Council.

13. Use of Municipal Property, Equipment and Services

- 13.1. No Member of Council shall use, or request the use of, any municipal property, including surplus material or equipment for personal convenience or profit, unless the property is:
- (a) available for such use by the public generally and the Member of Council is receiving no special preference in its use; or,
 - (b) made available to the Member of Council while carrying out Council activities and duties.

- 13.2. No Member of Council shall use, or request the use of, for personal purpose any municipal staff services, property, equipment, services, supplies or other municipally-owned materials, other than for purposes connected with the discharge of municipal duties.
- 13.3. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally developed intellectual property.
- 13.4. No Member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the public for any purposes other than carrying out their official duties.
- 13.5. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the City, except in compliance with the Act and the Conflict of Interest Bylaw.
- 13.6. Use of City Email Accounts
 - (a) All emails that are used to conduct or support official City of Charlottetown Council business must be sent using a “@charlottetown.ca” address.
 - (b) Non-work email accounts must not be used to conduct or support official City of Charlottetown Council business.
 - (c) Members of Council must ensure that any emails containing sensitive information must be sent from an official Council email.
 - (d) Under no circumstances should users communicate material (either internally or externally), which is defamatory, obscene, or does not comply with the Council Code of Conduct Bylaw.
 - (e) Automatic forwarding between personal and City email accounts is prohibited to prevent restricted, protected and/or confidential material from being forwarded inappropriately.

14. Reimbursable Expenses

- 14.1. Members of Council may claim reimbursement by the City for the following expenses in accordance with the Council Remuneration Bylaw:
 - (a) expenses incurred by Members of Council for an official duty, function or conference that are modest and represent the prudent use of public funds and do not involve the purchase of alcoholic beverages; and
 - (b) hospitality expenses incurred by Members of Council for meetings that include:
 - (i) engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
 - (ii) providing persons from national, international, and charitable organizations with an understanding and appreciation of the City or the workings of its municipal government;

- (iii) honouring persons from the City in recognition of exceptional public service and staff appreciation events;
- (iv) recognition events for various agencies, boards, and commissions of the City; or
- (v) other community groups or associations.

15. Support for Charities

- 15.1. Members of Council may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups; however, all amounts raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group.
- 15.2. No Member of Council shall directly or indirectly manage or control any monies received relating to fundraising for registered charitable, not-for-profit, and other community-based groups; other than in fulfilment of one's duties as a Member of Council.

16. Election Campaigns

- 16.1. No Member of Council shall use supplies, services, Staff, municipal logo, or other resources of the City for any election campaign or campaign-related activities.
- 16.2. A Member of Council may only utilize a municipal facility or access equipment in the same manner as any other candidate for an election campaign purpose.
- 16.3. All Members of Council shall be respectful of the role of the CAO and Municipal Electoral Officer (MEO) in managing the municipal election process and shall not interfere with how the CAO and MEO carries out their duties.
- 16.4. No Member of Council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the City.

17. Planning or Procurement Proposals before Council

- 17.1. No Members of Council shall solicit or accept support in any form from an individual, group or corporation, with any planning or procurement proposal before Council.

18. Improper Use of Influence

- 18.1. No Member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.
- 18.2. When a matter pertaining to the City is before any tribunal, Members of Council shall not contact any tribunal members.
- 18.3. In matters relating to municipal administration, direction shall be given to the CAO by Council as a whole, rather than by individual Members of Council.

19. Business Relations

- 19.1. No Member of Council shall allow their relationship as an employee with their employer or the prospect of their future employment by a person or entity to affect the performance of their duties to the City.
- 19.2. No Member of Council shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publically traded and who is regularly in the business of lending money.
- 19.3. No Member of Council shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.
- 19.4. No Member of Council shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

20. Conduct at Council Meetings

- 20.1. Members of Council shall conduct themselves with decorum at Council meetings in accordance with the City's Procedural Bylaw and this Bylaw.
- 20.2. Members of Council must not make public statements attacking or reflecting negatively on the City of Charlottetown, other Members of Council, City Staff, or invoke Staff matters for political purposes.
- 20.3. Information provided to any Member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Members of Council, and to the Chief Administrative Officer, prior to its use.

21. Respectful Workplace

- 21.1. Members of Council shall encourage public respect for the City and its bylaws. All Members of Council have a duty to treat members of the public, one another, and City Staff appropriately and without abuse, harassment, bullying or intimidation, and to ensure that their work environment is free from discrimination.

22. Interactions of Council with Staff and Service Providers

- 22.1. Council has the responsibility to govern in accordance with the Act and regulations.
- 22.2. Members of Council shall be respectful of the Staff's role to advise, based on political neutrality and objectivity, without undue influence from any individual Member or faction of the Council.
- 22.3. Members of Council must adhere to the City's Harassment in the Workplace Policy.
- 22.4. Members of Council are not to contact or issue instructions to any of the City's contractors, tenderers, consultants, or other service providers.
- 22.5. Members of Council must not direct or influence or attempt to direct or influence any municipal Staff in the exercise of their duties or functions.

- 22.6. Pursuant to subsection 93(6) of the MGA, Members of Council are to direct any inquires to the CAO rather than access Staff directly. No Member of Council or member of a Council Committee shall publicly or privately instruct or direct an employee of the City except through the CAO.
- 22.7. Members of Council must not make public statements attacking or reflecting negatively on the City of Charlottetown Staff or invoke Staff matters for political purposes.

23. Employment of Persons Closely Connected to Members of Council

- 23.1. No Member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the Member.
- 23.2. No Member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline, or terminate any person closely connected to the Member.

24. Employment of Councillors with Municipality

- 24.1. No Member of Council shall be employed by the City for a period of one year after the date on which the Member ceases to hold office as a Member of Council.

PART IV – COMPLAINTS

25. Breaches, Complaint Handling, and Internal Resolution

- 25.1. Members of Council are to abide by the requirements of this Bylaw and all other Bylaws of the City and shall endeavour to resolve issues which arise under this Bylaw in good faith.
- 25.2. Before commencing the formal internal resolution procedure specified below, the Member or Members of Council who are a party or parties to an alleged contravention of this Bylaw will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the City.
- 25.3. Any person may submit a complaint alleging a breach(es) of this Bylaw.
- 25.4. A complaint shall be submitted in writing and addressed to the Mayor and the CAO.
- 25.5. A complaint must be submitted within three (3) months of the last alleged breach, and in no case will an allegation of a breach that is more than two (2) years old be the subject matter of a complaint.
- 25.6. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor and the CAO.
- 25.7. If the alleged contravention cannot be informally resolved in accordance with section 25.2, the Mayor will facilitate discussion between the parties in an effort to resolve the

matter. The Mayor shall provide correspondence to both parties affirming that such meeting(s) were held.

- 25.8. If the matter is not satisfactorily resolved after the Mayor's facilitation, or at any time throughout the resolution process set out herein, the Mayor, with the assistance of the CAO, may appoint a mediator to attempt to resolve the matter.
- 25.9. If the Mayor is involved in the alleged contravention of this Bylaw, the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment of any mediator or investigator.
- 25.10. All deliberations at each stage of the informal and formal resolution process regarding alleged contraventions of this Bylaw must be conducted in confidence.

26. Formal Resolution Process

- 26.1. Failing resolution by the Mayor's facilitation or mediation, the Mayor, with the assistance of the CAO, will commence the formal resolution process and appoint an independent investigator who has the necessary professional skills, knowledge and experience to carry out the role and investigate the complaint in a fair and objective manner.
- 26.2. During the formal resolution process, the parties and all Members of Council:
 - (a) must provide reasonable assistance to the investigator if requested; and
 - (b) must participate in good faith in the investigation, and meet with the investigator, if asked to do so.
- 26.3. The role of the investigator is to:
 - (a) consider the alleged contravention as contained in the complaint;
 - (b) ensure that the parties involved are given an opportunity to be heard and to present their side of the allegations contained in the complaint being investigated;
 - (c) explore if the alleged contravention(s) can be resolved between the parties without making any findings; and
 - (d) provide an investigation update, within sixty (60) days of their appointment, to the Mayor or Deputy Mayor, as applicable, and to the CAO, Complainant, and the Respondent.
- 26.4. The investigator will provide a written confidential report of the findings of the investigation, including findings as to whether there has been a breach of this or any other City Bylaw or Policy to the Mayor or Deputy Mayor, as applicable, and to the CAO, Complainant and the Respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.

- 26.5. Upon receipt of the investigator's report, Council will, in accordance with section 107(3) of the Act:
- (a) Dismiss the complaint;
 - (b) Reprimand the Member of Council for a breach of this Bylaw;
 - (c) Impose a fine on the Member of Council of not more than \$500; or
 - (d) Suspend the remuneration paid to the Member of Council in respect of their services as a Member of Council for a period of up to 90 days.
- 26.6. In addition to the above, Council may:
- (a) Require a public or private apology from the Member of Council for the breach to Council, the Complainant, or both;
 - (b) Require the Member of Council to undergo any education or training deemed advisable by Council; and/or
 - (c) Take such other remedial action as Council determines appropriate in the circumstances.
- 26.7. At all stages of dealing with a complaint received pursuant to this Bylaw, the principles of natural justice will be observed. The Member of Council who is the subject of an alleged contravention must be given all relevant information regarding the allegation and an opportunity to respond and be supported if the Member so desires.
- 26.8. There shall be no retaliation for exercising rights under this Bylaw. A complaint filed by a Member of Council for an improper purpose or in bad faith, may be the subject of a complaint pursuant to this Bylaw.
- 26.9. This Bylaw does not override, prevail over, or amend legislation applicable to the roles, responsibilities, and duties of Members of Council.
- 26.10. Members of Council are individually responsible for seeking relevant advice from the CAO as to the application of this Bylaw.
- 26.11. Members of Council are individually responsible for any personal legal costs incurred during the complaint process.

PART V - ADMINISTRATIVE

27. Repeal of Bylaw

- 27.1. The City of Charlottetown Council Code of Conduct Bylaw #2018-15 which was approved and adopted by City Council on December 4, 2018 and amended on February 11, 2019 and March 6, 2019.

28. Effective Date

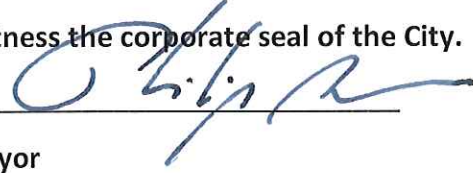
28.1. This Code of Conduct Bylaw, #2020-CC-01, shall be effective on the date of approval and adoption noted below:

First Reading:
This Council Code of Conduct Bylaw, #2020-CC-01, was read a first time and approved by a majority of members present at the Council meeting held on the 14th day of September, 2020

Second Reading:
This Council Code of Conduct Bylaw, #2020-CC-01, was read a second time and approved by a majority of members present at the Council meeting held on the 17th day of September, 2020

Approval and Adoption by Council:
This Council Code of Conduct Bylaw, #2020-CC-01, was adopted by a majority of Council members present at the Council meeting held on the 17th day of September, 2020.

Witness the corporate seal of the City.

X 

Mayor

X 

Chief Administrative Officer

This Council Code of Conduct Bylaw, #2020-CC-01 adopted by the Council of the City of Charlottetown on the 17th day of September is certified to be a true copy.

X 

Chief Administrative Officer

September 21, 2020

Date

SCHEDULE 'A'

FORM MGA-MG-2

COUNCIL MEMBER DISCLOSURE STATEMENT

A Disclosure Statement form is provided by the Minister of Municipal Affairs and is available on the Province of Prince Edward Island's website.
