



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 1 of 21	

CODE OF CONDUCT- COUNCILLORS

POLICY STATEMENT

This code of conduct is to establish rules of conduct for the Town of Happy Valley-Goose Bay's councillors. Part III of the Municipal Conduct Act ("the Act") requires that municipalities establish a Code of Conduct to govern the conduct of council and sets out the minimum requirements required.

The Town of Happy Valley-Goose Bay ("the Town") is committed to the principles of integrity, honesty, impartiality, responsibility, and accountability in conducting its business affairs and maintaining the public trust. Councillors are expected to conduct themselves ethically and professionally and in accordance with this Code of Conduct.

Where a provision of this Code of Conduct or a Town policy referenced as part of its application is contrary to Provincial or Federal legislation, the legislation shall supersede the impacted provision. All other provisions in the Code of Conduct and/or the policy in question shall remain in effect.

APPLICATION

For the purpose of this Code of Conduct, "Councillor" includes the Mayor, Deputy Mayor and Councillor(s).

This Code of Conduct applies to all councillors acting in their official capacity as councillors as well as off duty conduct that is sufficiently connected to the office of the councillor or that could reasonably discredit or hold into disrepute the reputation of the Town. Councillors must not engage in any conduct or activity that contravenes the Town's Regulations or Policies, or any law in force which might:

- Detrimently affect or discredit the Town's reputation
- Cause a municipal official or councillor to be unable to properly perform his or her duties and/or responsibilities
- Cause municipal officials to refuse or be reluctant to work with another municipal official or councillor
- Cause councillors to refuse to or be reluctant to work with another councillor
- Otherwise inhibit the Town's ability to efficiently manage and direct its operations.

In addition, and in accordance with s.12(5) of the Act, an Administrator appointed under section 250 of



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 2 of 21	

the *Municipalities Act*, 1999 must comply with this Code of Conduct. Where this Code refers to councillors, the provisions are equally applicable to Administrators, unless stated otherwise.

For the purpose of this policy, the Chief Administrative Officer or CAO refers to the person appointed to the position of Manager under the *Municipalities Act*, 1999. In the event that the Town has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

This Code of Conduct is intended to set out the expectations of councillors and administrators relating to the Standards of Conduct on various issues such as but not limited to:

- Standards of professional behaviour
- Use of influence
- Misuse of Public Assets and Fraud
- Confidentiality
- Social Media
- Harassment and Bullying ● No Adverse Actions or Reprisals
- Allegations in Bad Faith
- Legislative Compliance
- Complaints and Investigative Procedures ● Conflict of Interest

PART 1 PROVISIONS & GUIDELINES

STANDARD OF CONDUCT- Professional Behavior

Councillors are held to a high standard of professional behavior.

Councillors must:

- Abide by the Council's Rules of Procedure
- Work in the best interest of the Town without regard for their own personal interests



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 3 of 21	

- Act competently and diligently and perform at a level expected of those working in the public interest
- Be respectful of the presiding officer, their colleagues, employees, and members of the public at all times, including during council meetings and proceedings of the Town
- Be prepared for meetings, aware of agendas, informed on issues and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable
- Act in a manner which supports respectful, transparent, and informed debate
- Must use language which is inclusive, respectful and refrain from using language that could be interpreted as abusive or disrespectful
- In private and public, conduct themselves in a manner which does not bring disrepute onto themselves, their position, the Council, or the Town • Dress appropriately

Councillors must not:

- Make decisions, take positions, or make statements which are unreasonable, unjust arbitrary, oppressive, or discriminatory
- Maliciously or falsely injure the professional or ethical reputation or the prospects or practice of employees of the municipality

USE OF INFLUENCE

The Town strives to ensure fairness and objectivity in its decision-making processes. Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for a Councillor to use his or her position to seek to influence a decision of another person to:

- Further, or seek to further, his or her private interests or those of his or her family; or
- Seek to improperly further another person's private interests.

Councillors must only use the influence of their position for the exercise of their official duties.

Councillors must not:

- use or attempt to use their authority or influence in a manner that could reasonably be



Index: Administration		Policy Number: A0047-2
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 4 of 21

perceived as intimidating, threatening, coercing, commanding, or improperly influencing the actions of any municipal official in a manner which interferes with a municipal official or duties and/or responsibilities

- Councillors must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of another councillor
- Councillors must not communicate on behalf of the Town unless authorized by council or by virtue of a position or role the councillor has been authorized to undertake by council
- Councillors must not accept gifts, favours, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the councillor in a conflict of interest

MISUSE OF PUBLIC ASSETS AND FRAUD

Councillors are guardians of public funds and are responsible for overseeing the delivering of a wide range of important public services which are supported by members of the public through their taxes. Councillors owe the public nothing less than their full commitment to doing the best job they can in protecting the public purse. When buying goods or services,

Councillors must:

- comply with the Town's purchasing policies
- Conduct the business of the municipality in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- Councillors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices and other relevant financial records and details when claiming expenses.

Councillors must not:

- Request, use, or permit the use of municipal-owned vehicles, land, equipment, materials or other property for personal convenience or profit, except where such privileges are granted to the general public or except where authorized by Council or the CAO.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 5 of 21	

CONFIDENTIALITY

The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the Access to Information and Protection of Privacy Act, 2015 (ATIPPA).

Councillors must protect all information in their possession, care, or control that, if disclosed, would constitute a reasonable invasion of privacy.

Councillors must not:

- Disclose or release confidential information obtained in the course of their duties, except as required by law or as authorized by the municipality to do so.
- Matters discussed in private at a Council or Committee meeting must not be publicly discussed until disclosed at a public meeting of Council.
- Use confidential information or official information which is not in the public domain for their personal or private gain, the private gain of those in their family or any other individual or a corporation.

For the purpose of this policy, confidential information means information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business or affairs of the municipality generally considered to be of a confidential nature, including, but not limited to:

- Any matter that falls under the exceptions to disclosure identified in the Access to information and Protection of Privacy Act (ATIPPA), whether or not a request for access has been made
- Personal information which would constitute an unreasonable invasion of privacy
- Potential acquisitions or disposition of real property
- Information which would reveal the substance of deliberation of a privileged meeting.
- Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement
- Draft documents and legal instruments including reports, policies, bylaws, and resolutions that have not been the subject matter of deliberation in a meeting open to the public
- Employment and collective bargaining matters



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 6 of 21	

- The security of the property of the Town
- A tender that has or will be issued but has not been awarded
- Contract negotiations

SOCIAL MEDIA

The Town currently has a social media Policy A0028 that outlines the requirements to be followed by ALL those working for or acting on behalf of the Town whether in their official capacity or as residents of the Town. This policy is to be applied in conjunction with the Code of Conduct and any applicable legislation (dependent on the content shared or expressed on social media) in setting the requirements to be followed by Councillors. It is the Councils responsibility to ensure that they have read and understand the social media policy.

For the purpose of this policy, social media refers to publicly accessible local and third party-hosted social media sites. This includes social networks and or platforms including but not limited to:

- | | |
|----------------------|------------|
| Facebook | Twitter |
| Instagram | Tik Tok |
| Video & File Sharing | Blogs |
| Social Bookmarking | Podcasting |
| Micro-Blogs | Wikis |

Councillors must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting municipal business on personal devices or through personal accounts.

Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the municipality into disrepute.

HARRASSMENT AND BULLYING

The Town is committed to eliminating where possible the hazard of workplace harassment, discrimination, bullying and disrespectful behavior.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 7 of 21	

The Town's Policy A0041, **Harassment Prevention Plan & Anti-Discrimination Policy**, shall be applied in conjunction with the Code of Conduct for Councillors and the applicable legislation (Occupational Health and Safety Act, The Human Rights Act 2010, and any accompanying regulations) in setting the requirements for dealing with harassment, bullying and discrimination.

Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- Abuse of authority — harassment that occurs through a use of authority serving no legitimate work purpose
- Discriminatory harassment — harassment that is based on actual or perceived prohibited ground of discrimination as outlined in the Human Rights Act, 2010, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion
- Sexual harassment — harassment which is gender-based or of a sexual nature
- Bullying — a repeated pattern or mistreatment aimed at a specific person or group.

Councillors must treat members of the public, one another, and volunteers appropriately and without abuse, bullying or intimidation, and ensure that their work environment is free from discrimination, bullying and harassment.

Councillors must not engage in any form harassment or bullying.

The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the Occupational Health and Safety Regulations.

NO ADVERSE ACTIONS OR REPRISALS

Council as a whole or individual Councillors must take no action, and must, to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 8 of 21	

Councillors must take no action against a complainant or any other person for providing relevant information, when requested, to the Chief Administrative Officer or to any other relevant person.

Councillors must not obstruct the Chief Administrative Officer, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

ALLEGATIONS OF BAD FAITH

A councillor shall not file a complaint under this policy, which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.

LEGISLATIVE COMPLIANCE

A councillor must reasonably comply with all obligations imposed on the councillor by legislation, regulation, and municipal policy and procedures, including but not limited to:

- Municipalities Act, 1999
- Municipal Conduct Act
- Municipal Elections Act
- Public Procurement Act
- Urban and Rural Planning Act, 2000
- Access to Information and Protection of Privacy Act, 2015
- Occupational Health and Safety Act
- Human Rights Act, 2010; and
- Any accompanying regulations



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 9 of 21	

INVESTIGATION

A councillor shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act and regulations, and this Code of Conduct.

PART 2

CODE OF CONDUCT COMPLAINT AND INVESTIGATION PROCEDURE

RECEIVING A COMPLAINT

1. A person may file a complaint in accordance with the process set out below where they believe that a councillor or former councillor has contravened the Code of Conduct.
2. A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO).
3. Where the complainant is the CAO, the complaint shall be filed with the Mayor. Where the Mayor is the respondent, the complaint shall be filed with the Deputy Mayor. Where the CAO reasonably believes that neither the Mayor, nor Deputy Mayor could act impartially and fairly, the CAO may consult with the Department of Municipal and Provincial Affairs (The Department).
4. Where the complainant is the CAO, the following process will still apply, but the Mayor or Deputy Mayor will act as CAO for the purpose of administering the complaint.
5. The complaint shall be in writing.
6. A complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
7. A complaint shall include the following:
 - The complainant's name
 - The names of the person or persons the complaint is about



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 10 of 21	

- A summary of the complaint, and any steps taken to resolve it
 - The date that the breach of the Code of Conduct occurred, if known; and
 - A description of how the complaint can be resolved, if applicable.
8. A CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.
 9. A complainant may withdraw their complaint in writing or by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint. The CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
 10. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.
 11. A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, use of public assets or fraud, or where it is reasonable to do so, taking into account the public interest.

INFORMAL RESOLUTION

12. Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
13. ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 11 of 21	

14. Informal resolution efforts shall be concluded within 20 business days and may be extended for additional business days with consent of both parties and approval of council.

REFRRAL TO COUNCIL- RESOLUTION OR AGREEMENT OF FACTS

15. As per section 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall provide council with a report by way of briefing note in a closed meeting in 7 business days.
16. The report shall at a minimum outline the synopsis of the complaint, facts, conclusion, and recommendations, where applicable. As per section 14 (4) and 14 (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open a meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the councillor or former councillor contravened the Code of Conduct.
17. Where the council determines that a councillor or former councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15 of the Act.

FORMAL INVESTIGATION

18. Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator.
19. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the CAO, Council may approve up to an additional 40 business days for the completion of an investigation.
20. The investigator will notify the respondent within 5 business days of the failure of informal resolution and provide copy of the complaint.
21. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 12 of 21	

22. The investigator will prepare a written report for council in 7 business days.

23. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion and recommendations.

The format is flexible, but may take the form as below:

- Introduction
- Investigative Process
- Background
- Events before the incident
- The Incident (s)
- Events after the Incident
- Evidence
- Analysis
- Decision
- Recommendation

24. Council shall review the report at a privileged meeting, and shall, by resolution at a meeting open to the public, within 20 business days, dismiss the complaint or find that a councillor or former councillor contravened the Code of Conduct.

25. If council finds a councillor or former councillor contravened the code, council may, by resolution, take an action as set out in section 15 (Penalties) of the Municipal Conduct Act.

COMPLAINT AGAINST THE ADMINISTRATOR

26. A person may file a complaint where they believe that an Administrator has contravened the Code of Conduct. The person may file complaint in accordance with the process set out above, except that the complaint shall be filed with the Minister appointed under the Executive Council Act to administer the Act ("Minister").



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 13 of 21	

27. The process set out above shall govern the procedure for complaints against the Administrator, subject to section 16 of the Act.

28. If the Minister finds the Administrator contravened the code the Minister may take an action as set out in section 17 the Act.

PART 3

DISCLOSURE and CONFLICT OF INTEREST

DISCLOSURE STATEMENTS

29. A Councillor shall file a disclosure statement in accordance with section 4(1) and shall include the information as per section 4(3) of the Act.

30. Where there is a change in the information contained in disclosure statement, the councillor or CAO must report the change(s) to council within 60 days of becoming aware of the change(s).

Disclosure statements shall be filed within 30 days of employment, and on or before March 1 each year.

CONFLICT OF INTEREST

31. A councillor or administrator has a conflict of interest where in the making or involvement of making of a decision:

- a. the councillor or administrator's private interests are affected
- b. the councillor or administrator is unable to act impartially on behalf of the Town due to the councillor or administrator 's personal relationships

For the purposes of this provision:

- c. a decision may affect directly or indirectly, a private interest, where the decision may result



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 14 of 21	

in a gain or loss to the councillor or administrator's private interests or the private interests of a relative.

- d. decision does not affect directly or indirectly, a private interest where the decision affects the councillor or administrator as one of a broad class of the public.
- e. A councillor or administrator is unable to act impartially where a reasonable person may include that the councillor or administrator's personal relationship would result in favoritism or prejudice to the person to whom the councillor or administrator has a personal relationship.

CONFLICT OF INTEREST-COUNCILORS

32. As per Section 6 (1) of the Act, where a councillor knows or ought reasonably to know that the councillor has a conflict of interest in a matter before council, the councillor shall where present.
- a. declare the conflict of interest before any consideration or discussion of the matter. This declaration of conflict of interest shall be recorded in the minutes of council or a committee of council, where the declaration was made at a committee meeting
 - b. disclose the general nature of the conflict
 - c. refrain from participating in any discussion relating to the matter
 - d. refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter AND
 - e. leave the room in which the meeting is held for the duration of the consideration of the matter unless the meeting is open to the public, when they may remain in the part of the room set aside for the public.



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 15 of 21	

A councillor who may be in a conflict of interest as per the provisions of this Code of Conduct and section 6 (1) of the Act, shall not attempt, in any way, before during or after the meeting to influence the vote of other councillors any policy advice provided to council regarding the matter.

SUSPICION OF CONFLICT OF INTEREST

33. Where a councillor suspects as to whether a councillor has a conflict of interest, the councillor shall:
 - a. Disclose the nature of the possible conflict of interest to the council and the council may decide by a majority vote
 - b. A councillor whose possible conflict of interest is being voted on is not entitled to vote.
 - c. Where the vote is a tied vote, the councillor shall be considered to have a conflict of interest.

34. Where the council determines by a majority vote that a councillor does not have a conflict of interest and a complaint is subsequently filed under this Act and it is determined that a councillor did have a conflict of interest, the council may invalidate the decision of council in which the councillor acted in a conflict but shall not impose any other penalties under this Act against the councillor.

Provisions for reduced quorum are covered under Section 7 of the Municipal Conduct Act.

COMPLAINT OF CONFLICT OF INTEREST-COUNCILLORS/FORMER COUNCILLORS

35. Where an individual believes a councillor or former councillor has acted in a conflict of interest, the individual may file a complaint with the Chief Administrative Officer within 6 months of the person becoming aware of the potential conflict of interest.
36. A complaint shall be in writing and shall include the following information:



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 16 of 21	

- a. The nature of the conflict of interest
 - b. The councillors or former councillors' actions or former actions in relation to the conflict of interest
 - c. Any other information the CAO determines necessary
37. The Chief Administrative officer shall send a copy of the complaint to the respondent no later than 5 business days of receiving the complaint.
38. The respondent may provide written response to the CAO no later than 20 business days after receiving a copy of the complaint.
39. Where the respondent provides a written response, the Chief Administrative Officer shall send a copy of the written response to the complainant within 1 business day after receipt of the written response.
40. The Chief Administrative Officer shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten business days after the time period to file the written response has expired, and must:
- a. prepare a written report regarding the complaint
 - b. refer the complaint to Council, providing a copy of the report at the same time as referring the complaint to council, to consider in a privileged meeting
 - c. advise the complainant and respondent in writing, that the matter has been referred to council and that Council is considering the complaint
41. No later than fifteen business days after receiving the report, council shall consider both the complaint and the report provided under provision 7 of this policy and Council may, by resolution:
- a. dismiss the complaint



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 17 of 21	

- b. make a determination that the councillor acted in a conflict of interest or
- c. order a third-party investigation to determine whether the councillor acted in a conflict of interest.

INVESTIGATION

- 42. A person shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under provision 8 in the exercise of that person's duties or functions under this Act or the regulations.
- 43. A person conducting an investigation under provision 8 above, shall prepare a report regarding the investigation and submit it to council.
- 44. Following review of the report the council may, by resolution:
 - a. dismiss the complaint
 - b. make a determination that the councillor or former councillor acted in a conflict of interest
- 45. The report used to make this determination shall be tabled at a public meeting.

COMPLAINT OF CONFLICT OF INTEREST-ADMINISTRATORS

- 46. Where an individual believes an administrator has acted in a conflict of interest, the individual may file a complaint with the Minister. The procedure for filing and investigating a conflict of interest complaint against an Administrator is set out below.
- 47. A complaint shall be in writing and shall include the following information:
 - a. The nature of the conflict of interest
 - b. The administrator's actions or former actions in relation to the conflict of interest



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 18 of 21	

c. Any other information the CAO determines necessary'

48. The Minister shall send a copy of the complaint to the respondent no later than 5 business days of receiving the complaint.
49. The respondent may provide written response to the Minister 00 later than 20 business days after receiving a copy of the complaint.
50. Where the respondent provides a written response, the Minister shall send a copy of the written response to the complainant within 1 business day after receipt of the written response
51. No later than fifteen business days after receiving the written response, or fifteen business days after the time to file a written response has expired, the Minister may:
 - a. dismiss the complaint
 - b. make a determination that the administrator acted in a conflict of interest or
 - c. order an investigation to determine whether the administrator acted in a conflict of interest.
52. A person shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation ordered by the Minister in the exercise of that person's duties or functions under this Act or the regulations.
53. A person conducting an investigation ordered by the Minister, shall prepare a report regarding the investigation and submit it to the Minister.
54. Following review of the report the Minister may



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 19 of 21	

- a. dismiss the complaint
- b. make a determination that the administrator acted in a conflict of interest

Part 4 PENALTIES

PENALTIES- Conflict of Interest

Where a Council determines that a Councillor or former councillor has acted in a conflict of interest, and dependent on whether the conflict of interest was a result of inadvertence or genuine error in judgment or not, council may, by resolution, apply appropriate disciplinary measures in accordance with the Section 9 of the Municipal Conduct Act and other applicable labour and/or employment law up to and including termination where law permits.

Where the Minister determines that an Administrator has acted in a conflict of interest, the Minister may take action in accordance with section 11 of the Act.

ACKNOWLEDGEMENT

The Chief Administrative Officer shall give a copy of this Code of Conduct to each new Councillor at the time of appointment. The Code will be made available to all councillors either through electronic means or printed copy.

Training relating to the Code of Conduct shall be provided to all existing councillors within 3 months of the adoption of the Code of Conduct, and within 3 months of a councillor being elected. All councillors must attend training. Any councillor who does not attend training within 3 months of the establishment of the Code, or within 3 months of being elected, per section 13 of the Act, shall not carry of a power, duty, or function as a councillor until training has been completed.

Furthermore, all councillors shall:

- Familiarize themselves with the Code of Conduct and comply with its principles
- If required, seek an interpretation of the Code from the Chief Administrative Officer
- Make observance of the Code of Conduct as part of their duties and responsibilities



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 20 of 21	

Failure or refusal of the councillor to receive training on this Code of Conduct and its provisions will not be an excuse for non-compliance with the Code.

IN WITNESS WHEREOF, this policy is sealed under the Common Seal of the Town of Happy Valley-Goose Bay.

Mayor, George Andrews

Chief Administrative Officer, Nadine MacAulay



Index: Administration		Policy Number: A0047-2	
Approved Date: November 22, 2022	Effective Date: November 22, 2022	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 21 of 21	

I confirm that I have read the Code of Conduct-Councillors and that I understand, accept and will abide by all applicable provisions in this policy. I understand that if any conflict between provisions of this policy and applicable legislation shall arise, legislation shall supersede the impacted provision only and the remainder of the Code of Conduct shall remain in effect.

Name: _____

Signature: _____ Date: _____

Witness: _____

Each councillor must read, sign, and return to the Chief Administrative Officer a signed copy of this Code of Conduct- councillors within one week of taking their position on council.