



# CODE OF ETHICS

## Guiding Witless Bay's Municipal Council & Staff

This is the Code of Ethics that will be presented at the July 2014 public meeting of Council for initial review. This is a draft, intended to foster discussion about how members of Council and Town staff should approach their duties. This Code is an adaptation of a number of other such documents currently in use by other comparable municipalities.

*The Town of Witless Bay will promote accountable and transparent municipal governance guided by open and transparent decision-making, ethical and accountable operations, and the efficient and effective oversight of financial resources and physical infrastructure. Stakeholders' inquiries, concerns and complaints will be responded to in accordance with Council's policies and procedures, and in a timely manner. Impartiality in all matters will be maintained.*

### 1.A. RESPECT FOR PUBLIC INTEREST

1.A.1 Recognizing that stewardship of the public interest must be their primary concern, members of Council and employees of the Town will work for the common good of the people of Witless Bay. The operation of the Town of Witless Bay requires that Councillors and employees of the Town be independent, impartial and responsible to the people of Witless Bay. The Town Council shall, at all times, be maintained as a representative body of those it was elected to serve. Elected Councillors holding public office have a legal duty not to act in a manner detrimental to the interest of the municipality. A breach of that duty can, under certain circumstances, create liability with the individual Councillor.

1.A.2 Members of Council and employees of the town shall perform their duties and carry out their professional responsibilities fairly and consistently in accordance with the standards, principles, regulations, guidelines, and by-laws established by council, and in a manner that protects the interests of the town. Regulations and standards will be applied in a fair and consistent manner.

1.A.3 Council members and staff shall conduct themselves in a polite, respectful, honest, and professional manner at all times in all their professional undertakings, and in dealing with all others with whom they associate as part of their professional responsibilities.

1.A.43 The professional and personal conduct of Council members must be above reproach and avoid even the appearance of impropriety. Council members shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, the staff, or the public. Councillors shall maintain truthfulness and honesty and not compromise themselves for advancement, honour, or personal gain.

1.A.5 Councillors and employees shall represent the policies and positions of the municipality to the best of their ability when designated as delegates for this purpose.

1.A.6 Councillors and employees shall support the maintenance of a positive and constructive work place environment for themselves and for the residents and businesses dealing with the municipality. Councillors shall recognize their special role of dealing with municipal staff and in no way provide inappropriate direction or create the perception of inappropriate direction to employees.

1.A.7 Councillors shall not interfere with the administrative or operational functions of the municipality or the professional duties of the staff, nor shall they impair the ability of staff to implement Council policy decisions.

1.A.8 Members of Council and Town staff shall perform their duties in accordance with the processes and rules of order established by Council.

## **1.B. TRANSPARENCY, ACCOUNTABILITY & CONFIDENTIALITY**

1.B.1 In so far as it is practical and prudent to do so, the business of council shall be conducted in an open, honest, and transparent way as a means to be accountable to taxpayers and to uphold the public interest. Council shall not conceal (or attempt to conceal) decisions which the public have a right to know, or which are in contradiction of the spirit and intent of the Municipalities Act.

1.B.2 Personnel, legal and property-related issues are confidential matters and must never be made public. Only the final decisions requiring official council ratification by a motion in a public meeting need to be brought forward. All other deliberations shall be conducted openly in an atmosphere of respect and civility.

## **1.C. SELF-INTEREST & DISCLOSURE**

1.C.1 Public office shall not be used for personal gain. No Councillor or employee should have any interest, financially or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of their duties in the public interest. Employees and councillors shall make decisions and implement policies based on the overall best interests of the community, and not for any private or personal interest or gain, or on behalf of any individual or group which contradicts the public interest of the community.

1.C.2 Any member of Council or employee who has either a personal or private interest in any matter pending before their committee or before Council shall disclose this interest to the other members of the committee or Council and shall refrain from discussing the same with any other member of the committee or Council and shall not vote on the matter.

1.C.3 "Personal interest" includes any interest arising from blood, marriage relationships, or close business or political association, as defined in the relevant legislation.

## **1.D. CONFLICTS OF INTEREST**

1.D.1 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, accept any gift, favour or promise of future benefits from any person, firm or corporation that might reasonably tend to influence them in the discharge of their official duties, or grant in the discharge of their official duties any improper favour, service or anything of value.

1.D.2 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual or group.

1.D.3 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, disclose information that could adversely affect the property, government, or affairs of the Town, nor directly or indirectly, use any information gained by reason of their official position or employment for their own personal gain or benefit or for the private interest of others.

1.D.4 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, transact any business on behalf of the Town in their official capacity with any business entity with which they are an officer, agent or member, or in which they own a substantial interest. In the event that such a circumstance should arise, then they shall make known their interest, and in the case of an officer, abstain from voting on the matter, or in the case of an employee, turn the matter over to Council, state the reasons for doing so and have nothing further to do with the matter involved.

1.D.5 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the employment of the Town, or reflect discredit upon the Town, or in which their employment in the Town will give them an advantage over others engaged in a similar business, vocation or activity.

1.D.6 No member of Council or employee of the municipality shall, without prior seeking approval from Council or their supervisor, receive any fee or compensation for their service as an officer or employee of the Town from any source other than the Town, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a private organization that they perform for the Town if there is no conflict with their responsibilities.

1.D.7 If public resources are available to the municipality in general and as a matter of policy, at no cost or for a cost determined by motion of Council (eg. rental or cost for service fees), Councillors and employees shall have the same access to these resources and in the same manner as the public.

1.D.8 Members of Council and employees of the municipality shall not advocate on behalf of a member of his or her family to be hired, employed, promoted, transferred or advanced to any full or part-time employment with the Town of Witless Bay. Nor shall a Town official or employee participate in any action relating to the discipline of a member of their family.

1.D.9 Members of Council and employees of the municipality shall not use their official position to secure special privileges or exemptions for themselves or others.

## **1.E. APPLICATION & EFFECT**

1.E.1 Council may caution, suspend, or terminate elected officials who fail to carry out their responsibilities in accordance with their Oath of Office, or who fail to represent the interests of the municipality through the consistent application and implementation of approved council policy, or for any and all other transgressions specifically outlined in the Municipalities Act. All actions taken against an elected official must be reported directly to the Department of Municipal Affairs, and must follow the provisions outlined in the Municipalities Act.