

Minutes of the regular meeting of council held Monday, January 30th, 2023 No. 1448 held in the Council Chambers at 34 Reid's Lane, Deer Lake, NL.

In attendance: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Kerry Jones
Councillor Darren Fitzgerald
Councillor Amanda Freake

Also in attendance: Town Manager, Maxine Hayden
Town Clerk, Lori Humphrey
Public Works Superintendent, David Thomas
Director of Operations & Communications, Jason Young
Director of Recreation Community Services, Glynn Wiseman

Regular meeting of council called to order at 7:35pm by Mayor Michael Goosney.

2023-0130-01, Minutes No. 1447

Councillor Kerry Jones / Deputy Mayor Melanie Young
Resolved to accept the minutes of regular meeting of council, 1447 Monday January 16th, 2023.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Kerry Jones
Councillor Darren Fitzgerald
Councillor Amanda Freake

In favor 7; opposed 0. Carried

New Business

Councillor Fitzgerald attend the Great Humber Join Council Saturday, January 28, 2023. They will behaving quarterly meetings going forward with the next one scheduled for April 29. Councillor Fitzgerald will attend that one as well.

Councillor Jones inquired if there was any progress on the meeting regarding snow clearing from Deer Lake to Corner Brook. Town Manager informed them that the request was sent in.

Councillor Fitzgerald inquired if the letter was sent to the Minister regarding school parking lot, and was not sent yet.

Correspondence

Meeting No. 1448

Date: Monday, January 30, 2023

No	NAME	REGARDING	ACTION
1	MAA	Memo	FYI
2	Letter	Letter from Mayor to Minster Howell and Minster Hogan	FYI
3	Municipal Affairs	Budget Approved	FYI

(a) Finance

2023-0130-02, Finance

Councillor Amanda Freake /Councillor Kerry Jones

Resolved that the recommendations for Finance Report for January 26th, 2023 be adopted as presented.

In Favor:

Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Kerry Jones
Councillor Darren Fitzgerald
Councillor Amanda Freake

In favor 7; opposed 0. Carried

Finance
January 26, 2023

Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

Maxine Hayden

No	Description	Recommendation
	Delegation B& S Trucking fuel surcharge	Defer for more information
01	Wayne Reid 24 & 26 Wight's Lane Tipping wants to pay one fee currently charged two	No approved each unit is charged tipping fees
02	Brook Claim \$160,564.83	Recommend approval
03	Deer Lake Library Grant	Recommend approval
04	23 rd Veterans Service Recognition Book donation	Recommend \$25.00
05	RNC Crime Prevention Guide donation	Recommend \$25.00
06	Request from Tree house for grant, schools grant division	Approved \$2,400 for Treehouse defer rest.

(b) Accounts Payable

2023-0130-03, Accounts Payable

Councillor Amanda Freake / Councillor Kerry Jones

Resolved that the recommendations for Accounts Payable Report for January 23rd, 2023 be adopted as presented excluding items #33.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Kerry Jones
Councillor Darren Fitzgerald
Councillor Amanda Freake

In favor 7; opposed 0. Carried

Councillor Jones leaves meeting due to conflict of interest.

2023-0130-04, Accounts Payable

Councillor Amanda Freake / Councillor Darren Fitzgerald

Resolved that the recommendations for Accounts Payable Report for January 23rd, 2023 be adopted as presented only item #33.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock

Councillor Darren Fitzgerald
Councillor Amanda Freake

In favor 6; opposed 0. Carried

Councillor Jones returns to the meeting.

Town of Deer Lake
Regular Accounts Payable Report
Date: January 23, 2023

No.	Name of Supplier	Amount Owing	Notes
1	Air Liquide	\$955.48	Acetylene
2	Auto Value Parts	\$182.78	Wipers, battery, oil filter pliers
3	Battlefield Equipment Rentals	\$73.59	Pressure washer wand
4	Bowning Harvey	\$1,403.08	Drinks for vending machine
5	Byron's Shoe & Tarp Repair	\$497.69	Washers, nuts, bolts, gloves, lock nut, masks
6	Bowl Canada	\$90.15	Covid 19 floor signs
7	Cansel	\$28.75	Data plan
8	CBCL Limited	\$2,124.72	assessment of wastewater treatment lagoon
9	Central Office Equipment	\$419.01	Service agreement
10	Computers & Communications	\$1,150.00	Rec website hosting & maintenance
11	Crane Supply	\$1,178.75	Solenoid Valve
12	Day & Ross	\$74.26	Shipping from crane supply
13	DMG Consulting	\$3,543.15	Professional Services
14	Entandem	\$206.97	Licensing fees 2022 & 2023
15	Graybar Canada	\$137.30	Breaker & blank plate
16	Guillevin	\$102.88	Horn
17	Kerr	\$1,148.35	Fan & motor

18	Mcloughlan Supplies	\$207.00	Lock out locks
19	Narl Marketing	\$1,633.18	Furnace Oil
20	Nevco	\$566.67	Parts for score clock
21	NI Association of Fire Services	\$402.50	Membership dues
22	Prime Creative	\$172.50	Monthly plugins
23	Purolator Courier	\$69.28	Courier from enviromed
24	Q.N.H Excavating	\$689.90	Rental of mini excavator for ditching
25	Rigid Trucking	\$225.36	Wood blade & hole saw
26	Rudy's Courier	\$120.00	Various locations
27	Shears Building Supplies	\$1,454.72	Drill, batteries, wire, lumber, brass shut off
28	Stewart Mckelvey	\$1,842.30	Sale 7-9 Yetman Drive
29	Superior Propane	\$470.63	Propane
30	Wajax	\$56.24	Light duty sheaves
31	Western Pump Services	\$6,950.49	Pump repair
32	Western Signs	\$774.76	Signs, canvas print, coroplast sign
33	Western Steel Works	\$271.75	DL plates, DL mig wire, DL flatbar
34	Woodward Motors	\$80.44	Oil change Unit 114

\$29,304.63

(c) Environment and Housing

2023-0130-05 Environment and Housing

Councillor Kerry Jones / Councillor Amanda Freake

Resolved that the recommendations for Environment and Housing for January 30th, 2023 be adopted as presented.

In Favor:

Mayor Michael Goosney

Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried



**Environment & Housing Committee Minutes
January 30, 2023**

Permit Applications

New Business					
1	Natasha Lavers	28	Hancock's Road	The Dog House (In Home Boarding – up to 4 dogs in home, no Kennels)	Approved Pending advertising and Service NL
2	Oliva Sheppard	38	Hancock's Rd	The Spaw (Grooming Dog, cats & bunnies and board overnight when owners away, may grow into selling pet products)	Approved Pending advertising and Service NL

(d) Health and Wellness

2023-0130-07, Health and Wellness

Deputy Mayor Melanie Young/ Councillor Gordon Hancock

Resolved that the minutes for The Town of Deer Lake Health and Wellness Committee for January 17th, 2023 be adopted as presented.

In Favor:

Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried

Health and Wellness Committee

Date: January 17, 2023 at 6:30pm

Attendees:

Councillor: Gordon Hancock
Deputy Mayor: Melanie Young
Mayor: Mike Goosney
Town Clerk: Lori Humphrey

No	Topic	Discussion	Outcome
1	Committee Composition	Discussed committee composition and method of invite.	Letters to be sent following day.
2	Traditional Skills Demonstrations	New Horizons Application submitted and awaiting results. Expected March 2023. If awarded 12 traditional sessions will occur. Early planning and contacts in progress.	FYI for Council
3	Move More Stress Less Series	Committee to launch a body movement series to improve physical and mental health. A kick-off winter walk will occur on February 7 at Joe Butt's Lookout. Part of Winterfest. Town of Deer Lake Safety bands (purchased in 2022) to be distributed.	FYI for Council
4	Wind Phone	The Wind Phone has received national media attention. Citizens are sharing their personal and powerful experiences of grief. Low cost initiative, but impactful.	FYI for Council
5	Dolly Parton Library.	The committee's interest in the Dolly Parton's Imagination Library continues with members meeting with Humber Valley group to determine their needs and what assistance we may provide.	FYI for Council.
6	Welcoming and Supporting Newcomers	Committee currently exploring a welcoming package for newcomers to the community. Further info to be provided once established.	FYI for Council

7	Backyard Gardens and Food Security	Committee examining grants and funding options to assist families in getting started with backyard gardens and composting.	FYI for Council
8	Legacy Funding	Committee continuing with plans to light up the Humber River Trail 430m loop. Committee members exploring options and partners.	Lori to discuss plans with NL Power.

Action Report:			
Lori to send letters of invite to committee.			
Gord and Lori to examine funding options for backyard gardens.			
Lori to discuss route 430 with NL Power. Mike to assist with partnerships.			
Melanie to attend the Dolly Parton meeting.			

(e) Arts, Recreation and Culture

2023-0130-08, Arts, Recreation and Culture

Councillor Brett Langdon/Councillor Gordon Hancock

Resolved that the recommendations for Arts, Recreation and Culture January 26th, 2023 be adopted as presented.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried

**Department of Arts, Recreation and Culture Minutes
Jan 26, 2023**

In Attendance:

Councillor – Brett Langdon
Councillor - Gordon Hancock
Director of Recreation Community Services - Glynn Wiseman
Director of Operations & Communications – Jason Young

The meeting started at 8:30 am.

#	Item/Description	Discussion/Notes	Decision
1	Hockey School	The Recreation Director has been in conversation with the operator of SFE hockey school. The operator would like to offer hockey school the same as last year early in September, if we do not have a Fall Fair. The Grand Lake Centre has been contacted and they have informed the recreation department that a decision will be made within the next couple of weeks if there will be a Fall Fair or not. If not, this will allow SFE to run a hockey school and in turn allow minor hockey to start their season early again in 2023 / 24 season	For council information
2	Pre-School Skating	There will be an additional Pre School time slot added to the arena schedule on a trial basis. If there is enough interest the recreation department will include it in its regular schedule. This will be advertised on the town Facebook page as well as the recreation Facebook page.	For council information
3	Summer Events in the Arena	The recreation department has booked the circus on July 24 th and a wrestling group on July 26 th to appear in the Hodder Memorial Arena. Ticket will be sold online and at the door as we get closer to the event date. Updates will be posted on the Town of Deer Lake web page, as well as the recreation and Town of Deer Lake Facebook page	For council information
4	User Group signage	The recreation department has committed to Deer Lake Minor Hockey and the Deer Lake Figure Skating Club a 50% cost share of the construction of signage that will be placed in the entrance of the Hodder Memorial Arena. The signage will promote the two organizations and their use of the Town of Deer Lake's recreation facilities.	
5	Deer Lake Minor Soccer	The Town of Deer Lake and the Deer Lake Soccer Club have engaged in a cost shared purchase of new Soccer nets to be used this upcoming summer at the soccer field in Schwartz Park	For council information
6	New Advertising in the Arena	The recreation department is implementing a new advertising program whereby previous advertisers in the arena will be contacted first to place ads on televisions located in the main	For council information

		lobby and underneath the bleachers near the dressing rooms. This will add revenue to the arena as well as reach potential customers for the advertisers.	
7	Spotlight	The recreation department has decided to spotlight a community group or individual once every quarter. They will be highlighting achievements made by the groups or individuals on the recreation Facebook page.	

(f) Policy

2023-0130-09, Policy

Councillor Gordon Hancock / Deputy Mayor Melanie Young

Resolved that the Code of Conduct Policy for Councillors be adopted as presented.

In Favor:

- Mayor Michael Goosney
- Deputy Mayor Melanie Young
- Councillor Brett Langdon
- Councillor Gordon Hancock
- Councillor Amanda Freake
- Councillor Kerry Jones
- Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried

**Town of Deer Lake
CODE OF CONDUCT COUNCILLORS**

1. Introduction

The purpose of this Code of Conduct is to establish standards of conduct for councillors. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of members of council, and sets out minimum requirements for the Code of Conduct.

Councillors are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

2. Application

This Code of Conduct applies to councillors acting in their official capacity as elected representatives of the Town of Deer Lake. At no time shall a Councillor present oneself or conduct an act that could reasonably discredit the reputation of the Town of Deer Lake.

3. Definitions

- a) "Alternative Dispute Resolution (ADR)" for all intensive purposes shall mean determining a resolution without the use of the courts;
- b) "Business Day" shall mean a normal operating day for the Town of Deer Lake;
- c) "Council" unless otherwise specified, means the Town Council of Deer Lake as elected under the Newfoundland and Labrador's Municipalities Act (1999).
- d) "Councillor" unless otherwise specified, means elected member of the Town Council of Deer Lake as described within the Newfoundland and Labrador's Municipalities Act (1999).
- e) "Department" shall mean the Government of Newfoundland and Labrador – Department of Municipal and Provincial Affairs;
- f) "Influence" shall mean the ability to express one's impartial feelings over another to affect the overall outcome.
- g)
- h) "Mediation" shall mean a negotiation between disputing parties, assisted by an agreed neutral (3rd) party
- i)
- j) "Minister" shall mean the Minister of Department of Municipal and Provincial Affairs.

4. Standards of Conduct:

4.1 Standards of Professional Behaviour

Councillors shall:

- 4.1.1.** abide by "The Town of Deer Lake's Rules of Procedure for Meetings" as adopted by the Town of Deer Lake, October 15th, 2012.
- 4.1.2.** work in the best interest of the town without regard for their personal interests.
- 4.1.3.** Councillors shall act diligently and perform at a level expected of those working in the public interest.
- 4.1.4.** be respectful of the presiding officer, colleagues, staff, and members of the public at all times.
- 4.1.5.** have the right to be informed of all issues and meeting agendas before participating in any debate. This is imperative to ensure a councillor can contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.

- 4.1.6. act in a manner which supports respectful, transparent, and informed debate.
- 4.1.7. use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 4.1.8. not conduct themselves in a manner which disrespects their position, the Council, themselves or the Town of Deer Lake. This applies to either public or private environments.
- 4.1.9. not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

4.2. Use of Influence

Councillors shall:

- 4.2.1. only use the influence of their position for the exercise of their official duties.
- 4.2.2. not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.
- 4.2.3. prohibited from accepting 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.
- 4.2.4. not communicate on behalf of the Town of Deer Lake unless authorized by council or by virtue of a position or role the councillor has been authorized to undertake by council.

4.3. Misuse of Public Assets and Fraud

Councillors shall:

- 4.3.1. report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
- 4.3.2. ensure that the business of the Town of Deer Lake is conducted efficiently and shall avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- 4.3.3. 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.

4.4. Confidentiality

- 4.4.1.** Councillors shall not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Town of Deer Lake to do so.
- 4.4.2.** Councillors shall not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.
- 4.4.3.** 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, 2015).
- 4.4.4.** Confidential information means: information in the custody and/or control of the Town of Deer Lake that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the Town of Deer Lake generally considered to be of a confidential nature, including, but not limited to:
- a) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act**, whether or not a request for access has been made.
 - b) Personal information the disclosure of which would constitute an unreasonable invasion of privacy.
 - c) Potential acquisitions or disposition of real property.
 - d) Information which would reveal the substance of deliberation of a privileged meeting.
 - e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement.
 - f) 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.
 - g) Employment and collective bargaining matters.
 - h) Legal matters.

4.5. Social Media

Councillors shall:

- 4.5.1.** not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Town of Deer Lake into disrepute.

4.5.2. where possible, conduct municipal business through official accounts and devices and avoid conducting council business on personal devices or through personal accounts.

4.6. Harassment and bullying

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

4.6.2. Councillors shall not engage in harassment or bullying.

4.6.3. All members of Council shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.

4.6.4. 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:

- a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- b) Discriminatory harassment – harassment that is based on actual or perceived prohibited grounds 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.
- c) Sexual harassment – harassment which is gender-based or of a sexual nature.
- d) Bullying – a repeated pattern of mistreatment aimed at a specific person or group.

4.7. Legislative Compliance

4.7.1. A councillor shall reasonably comply with all obligations imposed on councillors by legislation, regulation, and Town of Deer Lake policy and procedures, including but not limited to:

- a) **Municipalities Act, 1999**
- b) **Municipal Conduct Act**
- c) **Municipal Elections Act**
- d) **Public Procurement Act**
- e) **Urban and Rural Planning Act, 2000**
- f) **Access to Information and Protection of Privacy Act, 2015**
- g) **Occupational Health and Safety Act**
- h) **Human Rights Act, 2010, and,**

i) **Any accompanying regulations**

4.8. No Adverse Actions or Reprisals

4.8.1. Council or councillors shall not make any decisions that would be reasonably perceived as a reprisal against any person, business or any other institution. Councillors shall always abide by Clause 4.1.2 when performing such elected duties.

4.9. Allegations in Bad Faith

4.9.1 A councillor shall not file a complaint or present an allegation under this policy which is considered: Retributive made in bad faith; or with malicious intent against any member of Council or Town Official.

4.10. Investigation

4.10.1 A councillor shall not hinder, obstruct or 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 Process

Receiving a Complaint

1. A complaint filed under this Code of Conduct shall be filed with the Town Manager.
2. Where the complainant is the Town Manager, 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 Town Manager reasonably believes that neither the Mayor nor Deputy Mayor could act impartially and fairly, the Town Manager may consult with the Department of Municipal and Provincial Affairs (The Department).
3. Where the complainant is the Town Manager, the following process will still apply, but the Mayor or Deputy Mayor will act as Town Manager for the purpose of administering the complaint.
4. The complaint shall be in writing.
5. Notwithstanding section 2, a complaint may be made by other 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.
6. A complaint shall include the following:

- The complainant's name
 - The names of the person or persons the complaint is about
 - A summary of the complaint, and any steps taken to resolve it
 - The date that the breach of the code occurred, if known
 - A description of how the complaint can be resolved, if applicable
7. Notwithstanding section 4, a Town Manager may accept a complaint confidentially where, in the opinion of the Town Manager, it is reasonable to do so, taking into account the public interest.
 8. A complainant may withdraw their complaint in writing or by other means as per section 5. Notwithstanding, the Town Manager or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
 9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the Town Manager shall immediately contact law enforcement, and notify the Department through the Minister's Office.
 10. A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The Town Manager may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, or where it is reasonable to do so, taking into account the public interest.

Informal Resolution

11. Where the Town Manager determines the complaint to be personal in nature, or relates to a disagreement, the Town Manager may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
12. ADR shall not be considered an acceptable method of resolution mentioned herein if, there is a significant power imbalance between the complainant and respondent. ADR shall be considered negligible if, there is a reasonable apprehension of harm, where such allegations involve issues of financial impropriety, sexual harassment, violence, criminality and/or where both parties fail to give consent.
13. Informal resolution efforts shall be concluded within twenty (20) business days of submission. By consent of both parties and approval from Council, the Town Manager may extend this period for reasons based on extenuating circumstance.

Referral to Council - Resolution or Agreement of Facts

14. As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the Town Manager shall provide Council with a report.

15. As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the councillor contravened the Code of Conduct.
16. Where the council determines that a councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15.

Formal Investigation

17. Where the complaint is not resolved or the facts are not agreed on, the Town Manager may investigate or appoint an investigator. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the Town Manager, council may approve up to an additional 40 business days for the completion of an investigation.
18. The investigator will notify the respondent within five business days of the failure of informal resolution and provide a copy of the complaint.
19. The respondent may provide a written response to the Town Manager no later than 10 business days after receipt of a copy of the complaint.
20. The investigator will prepare a written report for council.
21. 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 following format is flexible but may be of assistance.
 - Introduction
 - Investigative Process
 - Background
 - Events before the incident
 - The incident(s)
 - Events after the incident
 - Evidence
 - Analysis
 - Decision
 - Recommendation(s)
22. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a councillor contravened the code at a public meeting.
23. If council finds a councillor contravened the code, council may, by resolution, take an action as set out in Section 15 (Penalties) of the **Municipal Conduct Act**.

2023-0130-10, Policy

Councillor Gordon Hancock / Deputy Mayor Melanie Young

Resolved that the Code of Conduct Policy for Municipal Officials be adopted as presented.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried

**Town of Deer Lake
Code of Conduct Municipal Officials**

5. Introduction

The purpose of this Code of Conduct is to establish rules of conduct for municipal officials. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of municipal officials and sets out minimum requirements for the Code of Conduct.

Municipal officials are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility and accountability

6. Application

This Code of Conduct applies to municipal officials acting in their official capacity and perceived off-duty conduct that could reasonably discredit the reputation of themselves and/or the Municipality. This Code of Conduct is intended to set out the expectations municipal officials, and to be read in conjunction with any applicable employment policies or collective agreements. Nothing in this Code of Conduct is to be read in a way to limit an employer's ability to manage the workplace or discipline employees for a breach of this Code of Conduct, regardless of whether a complaint has been made in accordance with applicable labour and/or employment law.

7. Definitions

7.1. In this Policy

7.1.1. "alternative dispute Resolution (ADR)" for all intensive purposes shall mean determining a resolution without the use of the courts;

7.1.2. "administrator" means an administrator appointed under section 250 of the *Municipalities Act, 1999* ;

7.1.3. "business day" means a day that is not a Saturday, Sunday or a holiday;

- 7.1.4. "chief administrative officer" mean a manager or acting manager appointed under the *Municipalities Act, 1999* ,
- 7.1.5. "code of conduct" means a code of conduct established in accordance with section 12 or 18;
- 7.1.6. "complainant" means a person making a complaint;
- 7.1.7. "complaint" means a written document alleging that a municipal official acted in a conflict of interest or contravened the code of conduct;
- 7.1.8. "council" means a council of a municipality;
- 7.1.9. "councillor" means a member of a council:
- 7.1.10. "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 of the municipality generally considered to be of a confidential nature, including, but not limited to:
- i) 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;
 - j) Personal information which would constitute an unreasonable invasion of privacy;
 - k) Potential acquisitions or disposition of real property;
 - l) Information which would reveal the substance of deliberation of a privileged meeting;
 - m) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement;
 - n) 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;
 - o) Employment and collective bargaining matters;
 - p) Legal matters;
 - q) Law enforcement matters.
- 7.1.11. "department" means the department presided over by the minister;
- 7.1.12. "disclosure statement" means a statement required to be filed under section 4;
- 7.1.13. "employee" means a person employed by a municipality;
- 7.1.14. "harassment" means 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:

- e) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- f) 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.
- g) Sexual harassment – harassment which is gender-based or of a sexual nature.
- h) Bullying – a repeated pattern or mistreatment aimed at a specific person or group.

7.1.15. “municipal official” means a councillor, a chief administrative officer, an employee of a municipality, or any person acting with or without remuneration, under the direction of a municipality, including fire chiefs and fire fighters providing services for or to a municipality.

7.1.16. "municipality" means Town of Deer Lake which was incorporated under the *Municipalities Act, 1999* ,

7.1.17. "privileged meeting" means a privileged meeting referred to in section 213 of the *Municipalities Act, 1999*

7.1.18. "relative" meaning a spouse or cohabiting partner, a child, step-child, parent, step-parent, sibling, step-sibling, parent-in-law or sibling-in-law of the municipal official, and a person not referred to in subparagraphs (i) and (ii) who resides with the municipal official;

7.1.19. "respondent" means a municipal official against whom a complaint has been made;

7.1.20. "source of income" means in the case of employment, the employer, and in the case of income arising from a business or profession, the business or profession;

7.1.21. "spouse" means a person to whom a municipal official is married, unless the person and the municipal official have made a separation agreement or their support obligations and family property have been dealt with by a court order.

7.1.22. “the act” means the *Municipalities Act, 1999*

PART I

Standards of Conduct

8. Standard of Conduct:

8.1. Standards of Professional Behaviour

Municipal Officials shall:

- 8.1.1.** adhere to all policies and procedures of the Town of Deer Lake.
- 8.1.2.** work in the best interest of the municipality without regard for their personal interests.
- 8.1.3.** act in a professional, competent and diligent manner at all times.
- 8.1.4.** respect the view of all other municipal officials, Council, councillors, and members of the public without malice.
- 8.1.5.** use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 8.1.6.** in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, or the Town of Deer Lake.
- 8.1.7.** not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

8.2. Use of Influence

Municipal Officials:

- 8.2.1.** shall only use the influence of their position for the exercise of their official duties.
- 8.2.2.** shall not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of any person.
- 8.2.3.** are prohibited from accepting 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 official in a conflict of interest.

8.3. Misuse of Public Assets and Fraud

Municipal Officials shall:

- 8.3.1.** report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
- 8.3.2.** conduct the business of the Town in a manner that is considered efficient and shall at best, avoid waste, abuse, and extravagance in the provision and use of municipal resources.

8.3.3. not request, use, or permit the use of Town owned vehicles, land, equipment, materials, or other property for personal convenience or profit; except here such privileges are granted to the general public authorized by the Town Manager.

8.4. Confidentiality

Municipal Officials shall:

8.4.1. not disclose confidential information obtained in the course of their duties except, as required by law or authorized by the Town to do so.

8.4.2. not use confidential/official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation. 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**.

8.5. Social Media

Municipal Officials shall:

8.5.1. 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.

8.5.2. where possible, conduct municipal business with residents through official accounts and devices only.

8.6. Harassment and bullying

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

8.6.2. Municipal officials shall not engage in harassment or bullying.

8.6.3. All municipal officials shall treat members of the public, colleagues, and volunteers appropriately without abuse, bullying or intimidation—ensuring that their work environment is free from discrimination, bullying and harassment.

8.7. Legislative Compliance

8.7.1. A municipal official shall reasonably comply with all obligations imposed on them by legislation, regulation, and Town policies and procedures, including but not limited to:

- a) **Municipalities Act, 1999;**
- b) **Municipal Conduct Act;**

- c) **Municipal Elections Act;**
- d) **Public Procurement Act;**
- e) **Urban and Rural Planning Act, 2000;**
- f) **Access to Information and Protection of Privacy Act, 2015;**
- g) **Occupational Health and Safety Act;**
- h) **Human Rights Act, 2010; and**
- i) Any accompanying regulations

8.8. No Adverse Actions or Reprisals

8.8.1. Municipal Officials shall not make any decisions that would be reasonably perceived as a reprisal against any person, business or any other institution. Councillors shall always abide by Clause 4.1 when performing such elected duties.

8.9. Allegations in Bad Faith

8.9.1. A municipal official 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.

8.10. Investigation

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

9. Conduct Complaint and Investigation Procedure

9.1. Process

9.1.1. When a complaint is submitted alleging a breach of conduct under sections 4.2 (use of influence), 4.3 (use of public resources or fraud), or 4.6 (harassment and bullying) the Chief Administrative Officer (Town Manager) shall follow the procedure set out here.

9.1.2. When a complaint is received regarding another section of the Code of Conduct, the procedure followed is subject to the discretion of the Town Manager.

9.2. Receiving a Complaint

9.2.1. A complaint filed under this Code of Conduct shall be filed with the Town Manager.

9.2.2. In the event that the complainant or respondent is the Town Manager, the complaint shall be filed with the Mayor.

9.2.3. Where the complainant or respondent is the Town Manager, the following process will still apply, but the Mayor will act as the Town Manager for the purpose of administering the complaint.

9.2.4. The complaint shall be in writing.

9.2.5. Notwithstanding section 5.2.4, 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.

9.2.6. A complaint shall include the following:

- The complainant's name;
- The names of the person or persons the complaint is about;
- A summary of the complaint—including any steps taken to resolve the breach;
- 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.

9.2.7. Notwithstanding section 5.2.6, own Town Manager may accept a complaint confidentially where, in the opinion of the Town Manager, it is reasonable to do so, taking into account the public interest.

9.2.8. The complainant may withdraw their complaint in writing or by other means as per section 5.2.5. Notwithstanding, the Town Manager or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

9.2.9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the Town Manager shall immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.

9.2.10. A person may file a complaint within six (6) months of becoming aware of a Code of Conduct violation. The Town Manager may accept complaints outside of that timeframe in instances of harassment, bullying, use of public resources, or fraud.

9.3. Informal Resolution

9.3.1. Where the Town Manager determines the complaint to be personal in nature, or relates to a disagreement, the Town Manager may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

9.3.2. 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.

- 9.3.3.** Informal resolution efforts shall be concluded within twenty (20) business days, and may be extended with consent of both parties and approved by the Town Manager.

9.4. Resolution or Agreement of Facts

- 9.4.1.** No matter if a complaint is successfully resolved or not, the complainant(s) shall agree on the facts of the perceived breach and the Town Manager shall write a report that either dismisses the complaint or renders a determination that an official essentially contravened the Code of Conduct.

- 9.4.2.** In the situation where the complaint is made about a supervisor or an employee whom reports directly to Council, the Town Manager shall provide the complaint directly to Council. Council shall either dismiss the complaint or render a determination that an official essentially contravened the Code of Conduct.

- 9.4.3.** Council may by resolution decide upon appropriate penalties in accordance with applicable labour and/or employment law.

9.5. Formal Investigation

- 9.5.1.** Where the complaint is not resolved or the facts are not agreed on, the Town Manager may investigate or appoint an investigator. There shall be forty (40) business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the Town Manager, Council may approve up to an additional forty (40) business days for the completion of an investigation.

- 9.5.2.** The investigator will notify the respondent within five (5) business days of the failure of informal resolution and provide copy of the complaint.

- 9.5.3.** The respondent may provide a written response to the Town Manager no later than ten (10) business days after receipt of a copy of the complaint.

- 9.5.4.** The investigator shall prepare a written report for council. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), and conclusion. Such report may include recommendations.

- 9.5.5.** Council shall review the report at a privileged meeting and shall within twenty (20) business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

9.5.6. Council may by resolution decide upon appropriate disciplinary penalties in accordance with applicable labour law.

10. Conflict of Interest

10.1. Disclosure Statements

10.1.1. A conflict of interest is defined as per section 5 of the Act

10.1.2. The Town Manager will file a disclosure statement in accordance with Section 4(2) of the Act.

10.1.3. Supervisors and employees whom report those reporting directly to Council shall file disclosure statements with the Town Manager. Such statements shall reflect that of the form set out within Sub-section 4(3) of the Act. Disclosure statements from spouses of these municipal officials are not required.

10.1.4. Disclosure statements shall be filed with the Town at least thirty (30) days of employment and shall be completed each year on or before March 1st while employed with the Town.

10.1.5. Where there is a change in the information contained in employee disclosure statements, the official shall report the change(s) to the Town Manager within sixty (60) days of becoming aware of the change(s).

10.2. Suspicion of Conflict of interest

10.2.1. If any other municipal officials, including volunteers, suspects they may be in a conflict of interest as defined by Section 5 of the Act, they shall disclose the suspected conflict of interest immediately to the Town Manager. The Town Manager shall determine whether the official is in a conflict of interest.

10.3. Conflict of Interest Allegations

10.3.1. Where an individual believes a municipal official has acted in a conflict of interest, the individual may file a complaint with the Town Manager.

10.3.2. Where an individual believes a Town Manager has acted in a conflict of interest, the individual may file a complaint with Council.

10.3.3. A allegation shall be in writing and shall include the following information:

- a) The complainant's name;
- b) The nature of the conflict of interest; and
- c) the actions taken by the accused in relation to the conflict of interest.

10.3.4. Notwithstanding section 6.3.3., allegation may be made by alternate means where the allegation has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

10.4. Conflict of Interest Investigations

10.4.1. Upon receipt of the perceived conflict of interest allegation, the Town Manager shall send a copy of the allegation to the respondent within five (5) business days;

10.4.2. The respondent shall provide a written response, if possible, with respect to the allegation indicating their accord of the perceived conflict of interest to the Town Manager no later than twenty (20) business days after receipt of such allegation.

10.4.3. Where there is a written response, the Town Manager shall send a copy to the complainant within one (1) business day after receipt.

10.4.4. The Town Manager shall review the allegation and the respondent's written response within ten (10) business days after receipt of the written response. In situations where a written response was not provided by the respondent, the Town Managers shall review the allegation within ten (10) business days after the twenty (20) business day period has expired, and must:

- a) prepare a written report of the allegation;
- b) refer the allegation to Council along with a copy of the report with the intent of consideration within a privileged meeting;
- c) advise the complainant in writing that Council is considering the allegation;
- d) within fifteen (15) business days after receiving the report, Council may, by resolution advise the Town Manager to:
 - 1. dismiss the allegation;
 - 2. make a determination that the municipal official acted in a conflict of interest; or
 - 3. order a third party investigation to determine whether the municipal official acted in a conflict of interest.

10.4.5. Where an allegation is made against the Town Manager, allegations shall be made to the Mayor. Council shall investigate the allegation in the manner described in Sections 6.4.1 to 6.4.4.

10.4.6. Where a municipal official has been found to be in a conflict of interest whether through their own disclosure or by an allegation and subsequent investigation, the Town Manager and/or council shall take appropriate actions to resolve the conflict of

interest. This may include removal of the municipal official from particular duties, decisions, or discussions, or evaluating an affected decision.

10.4.7. Notwithstanding section 6.4.8. and 6.4.9, and in accordance with section 18(5) of the Act, the Town Manager may provide advice to Council on a matter in which the Town Manager has a conflict of interest where:

- a) The Town Manager disclosed the conflict of interest and the nature of the conflict of interest to the council; and
- b) The council made the request for advice knowing of the Town Manager's conflict of interest.

10.4.8. Council and/or the Town Manager may decide upon appropriate disciplinary penalties in accordance with applicable labour and/or employment law.

2023-0130-11 Adjournment

Councillor Amanda Freake

Resolved that since there is no further business that the meeting adjourns at 8:22 pm. Next Meeting scheduled for February 13th, 2023.

In Favor: Mayor Michael Goosney
Deputy Mayor Melanie Young
Councillor Brett Langdon
Councillor Gordon Hancock
Councillor Amanda Freake
Councillor Kerry Jones
Councillor Darren Fitzgerald

In favor 7; opposed 0. Carried



Mayor Michael Goosney



Town Clerk, Lori Humphrey