

**BY - LAW NO. HAM-2025-02**  
**A BY-LAW RESPECTING THE CODE OF CONDUCT**  
**OF THE COUNCIL OF HAMPTON**

**WHEREAS:** Section 10(2)(b) of the *Local Governance Act*, authorizes and requires local governments to establish a *Code of Conduct By-law*;

**WHEREAS:** a *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the *Local Governance Act*; and

**WHEREAS:** The actions of Members of Council have an impact on the lives of all residents and property owners in Hampton; and

**WHEREAS:** the establishment of a *Code of Conduct By-law* is consistent with the principles of transparent and accountable government, reflecting the values of Hampton, its commitment to professional, accountable, and lawful conduct, and its desire to provide strong local governance and leadership;

**BE IT ENACTED:** by the Council of Hampton, under the authority vested in it by the *Local Governance Act*, S.N.B. 2017, c.18, amendments thereto and regulations adopted thereunder, as follows:

**1. TITLE**

This By-law may be referred to as the “*Code of Conduct By-Law of Hampton Council*”.

**2. DEFINITIONS**

“Act” means the *Local Governance Act*, S.N.B. 2017, Chapter 18;

“Administration” means the management and operations of Hampton, comprised of various departments, divisions and employees;

“Chief Administrative Officer” (CAO) means the person appointed to the position of Chief Administrative Officer by Council under the provisions of the Act;

“Clerk” means the person appointed to the position of Clerk by the Council under the provisions of the Act;

“Confidential” or “Confidential Information” means any aspect of closed session of Council deliberations; information identified as confidential within the provisions of the *Right to Information and Protection of Privacy Act*; and information subject to solicitor-client privilege;

“Council” designates the Mayor and the Councillors of Hampton;

“Councillor” designates a member of the Council of Hampton other than the Mayor;

“Electronic Communication Device” means a tool such as a computer, digital tablet, cell phone or other device provided to a Council member for the purpose of performing their duties as Mayor or Councillor;

“Hampton” means the local government of Hampton, duly incorporated under the *Local Governance Act*, S.N.B. 2017, c.18, Reg. 2022-50 s.21 as amended;

“Hampton Property” means Hampton’s financial and non-financial assets including but not limited to land, vehicles, equipment, electronic devices and documents;

“Mayor” means the Chief Elected Official of Hampton;

“Member(s)” or “Council member(s)” means any person elected to the Council, which includes the Mayor;

“Officer” or “Staff” means an employee of Hampton that reports directly to the CAO and may carry some delegated or designated duties of the CAO;

"Social Media" means web applications and online forums that allow users to interact, share and publish content such as text, links, photos, audios and videos.

### **3. PURPOSE**

This By-law provides rules of ethics to guide and supervise elected officials, local government organizations, and the public during Council deliberations and during their duties on behalf of Hampton. Where there is a conflict between this By-law and requirements of any federal or provincial laws, such federal or provincial laws shall take precedence.

### **4. TARGET OBJECTIVE**

- a) To give elected officials and people who represent Hampton within local government bodies a tool to facilitate the exercise of their roles and responsibilities, by adhering to rigorous values and moral principles as well as to rigorous ethical standards.
- b) To allow Council deliberations to take place with respect and decorum for all people who are present during meetings, assignments and gatherings that involve the business of Hampton.

### **5. COMPLIANCE AND ENFORCEMENT**

- a) Council members must abide by the letter, spirit and intent of this By-law.
- b) Council members shall cooperate in every way possible to ensure compliance with the application and enforcement of these rules.
- c) Each Council member will be provided with a copy of this By-law and will be required to sign a “Statement of Commitment to the Code of Conduct By-law of Hampton Council”

(Appendix “A”) within ten (10) days of this By-law coming into effect, and then within ten (10) days of taking the oath of office pursuant to section 58 of the *Act*.

## 6. GUIDING PRINCIPLE

Council members and persons representing Hampton with organizations related to Hampton, whether on a voluntary or professional basis, must:

- a) execute their functions and organize their business relations in such a way as to adhere to the values of honesty, integrity, objectivity, impartiality, accountability and transparency regarding decisions of Hampton or the bodies with which they are associated;
- b) act in a prudent and transparent manner so as to preserve and maintain the bond of trust of citizens by upholding the honesty, integrity, objectivity, impartiality and accountability of the institutions as well as of the persons who administer them.
- c) act with honour and integrity by:
  - i. not disclosing confidential information, which their position has allowed them to obtain, concerning the property, personnel or legal affairs of Hampton, a Council member, an officer or employee of Hampton, or a member of the public;
  - ii. considering that using confidential information, which their position has allowed them to obtain, for their personal interest or that of their relatives, constitutes a dishonest and reprehensible practice;
  - iii. adopting an attitude of restraint regarding facts or information likely to harm the interests of Hampton or one of its organizations;
  - iv. refraining from soliciting, accepting, or receiving a benefit for themselves or their relatives in exchange for a position, an intervention, or a service;
  - v. refraining from the use or allowing the use of the resources, goods or services of Hampton or its organizations for purposes other than those for which they are intended (operational or administrative purposes and not to serve particular interests);
  - vi. refraining from the use of the authority of their office for their personal interest or that of their relatives to the detriment of the interests of Hampton or its organizations; and
  - vii. accessing only information that Hampton has in its possession and that is relevant to the matters before Council or a committee or that is relevant to their role as a Council member. Otherwise, they have the same right to information as a member of the public.

## 7. COUNCIL RESPONSIBILITIES

- a) Out of respect for the democratic and effective local government that Council members constitute, Members must:
  - i. be familiar with all relevant federal and provincial laws and the by-laws, policies and procedures of Hampton, including, without limitation, the *Right to Information and Protection of Privacy Act (RTIPPA)*;
  - ii. comply with the applicable federal or provincial laws and/or the by-laws, policies and procedures of Hampton in the performance of their duties;
  - iii. refuse partisan work relating to the election of a member of Council and abstain from any political bias likely to harm the exercise of their functions with complete honesty, integrity, objectivity, accountability and impartiality; and
  - iv. respect the line of authority established within the organization as well as the hierarchical status within the decision-making process.
- b) For sound and effective management and a sense of social responsibility, Members shall:
  - i. know and comply with this Code of Conduct;
  - ii. commit to serving the best interests of Hampton and put their efforts to the betterment and service of the organization;
  - iii. invest in keeping their professional knowledge up to date and strengthening their skills, as well as those of their staff;
  - iv. refrain from making denigrating comments and false judgments, with the aim of baselessly discrediting a member of an organization of Hampton and its agencies;
  - v. refrain from making derogatory or defamatory remarks about another member of the Council, staff or the public, or using abusive or profane language;
  - vi. refrain from using or attempting to use their position for any purpose other than the exercise of their duties;
  - vii. refrain from using or attempting to use their authority or influence for the purpose of intimidating, threatening, coercing, ordering, or influencing any employee of Hampton with the intention of interfering in the duties of the employee;
  - viii. refrain from harming the professional or ethical reputation or practices of employees of Hampton; and

- ix. refrain from any form of intimidation, discrimination, and harassment towards members of Council, staff, persons representing Hampton with organizations related to Hampton or any other individual during their term of office.
- c) For quality services, Members shall:
- i. provide services in accordance with the mission, vision, values and orientations of Hampton;
  - ii. undertake to offer services that meet the needs of their citizens, without any form of discrimination, and that take into account the collective interest;
  - iii. ensure that staff know and respect the policies, rules and practices of their employer;
  - iv. develop attitudes and behaviors that promote transparent, frank, honest, courteous, respectful, and polite communication between the population, Council, staff and organizations; and
  - v. act with discretion with the same concern for justice and equity for all.
- d) To avoid being placed in situations of conflict of interest, Members must:
- i. avoid being or knowingly placing themselves in situations that put their personal interests and/or those of their family members in conflict with the execution of their duties, assignments, and functions;
  - ii. make themselves familiar with the conflict of interest provisions under Part 8 of the *Act* and shall comply with those provisions;
  - iii. as soon as they take office, file with the Clerk a declaration disclosing any real or potential conflict of interest of which they are aware;
  - iv. when attending a meeting of Council, of a committee or any other meeting dealing with the business of Council, disclose they have a conflict of interest in the matter as soon as it arises and immediately withdraw from the meeting room while the matter is being voted on;
  - v. refrain from directly or indirectly holding an interest in a contract with Hampton or one of the affiliated organizations; and
  - vi. avoid any situation that could harm their reputation or that of Hampton or a related organization.

## **8. PUBLIC COMMUNICATIONS**

- a) A member shall not claim to speak on behalf of the Council unless authorized to do so.

- b) Unless the Council orders otherwise, the Mayor is the official spokesperson of Council and in their absence, the Deputy Mayor will act as the spokesperson. Any inquiries from the media regarding the Council's official position on an issue will be referred to Council's official spokesperson by the Clerk.
- c) A member authorized to act as a spokesperson for Council must ensure that their comments accurately reflect the official position and will of the Council as a whole, even if the member personally disagrees.
- d) Members must take into consideration that they are, always, representatives of Hampton, including when they use social media. Members are encouraged to identify when the opinions expressed are their own and not an official communication from Hampton.
- e) No Member shall make statements knowing that they are false or misleading with respect to material facts or omits to state a material fact, the omission of which makes that statement false or misleading
- f) No Member will make any statement that is defamatory to a Member of Council, an officer or employee of Hampton, or a member of the public; and
- g) The electronic communication devices provided by Hampton are the property of Hampton and should always be treated as such. Council members are advised of the lack of expectation of privacy when using these devices and further of the following:
  - i. emails or other messages sent or received using municipal devices, and all emails or other messages concerning public business of Hampton sent using private devices, are subject to *RTIPPA*.
  - ii. access to electronic communication devices is granted for the purpose of achieving local government goals and performing its administrative functions and must not be used for commercial, personal or any other unauthorized purpose.
  - iii. Council members must protect confidential or sensitive information stored on their electronic communication devices.
  - iv. Council members are prohibited from using any property, equipment, services or supplies of Hampton, including e-mail, internet services or other electronic communication devices, if such use is deemed offensive, inappropriate, or otherwise contrary to this By-law; and
  - v. in the event of a complaint under this By-law, Council may require that electronic communication devices provided by Hampton to members of Council be confiscated and inspected as part of the investigation, which includes uploading the information deemed relevant to the investigation. All emails or internet connections can be recovered.

## **9. USE OF SOCIAL MEDIA**

- a) As representatives of Hampton, Council members must act with discretion and judiciously in choosing what they post on social media. As with other types of communication, members are responsible for content and confidentiality. Care should be taken when participating in debates on controversial topics.
- b) Council members are prohibited from attempting to mislead anyone as to their identity or their capacity as elected representatives of Hampton or to conceal these when they use social media.
- c) Council members are prohibited from using social media to post anything that is dishonest, false, unfounded, offensive, or disrespectful, constitutes harassment, or is defamatory or misleading in any way.
- d) Council members who give a personal opinion on social media ensure that their opinion is not taken as that of Hampton or Council as a whole.

## **10. REMUNERATION AND EXPENSES**

- a) Council members are custodians of public resources and shall avoid waste, abuse, and extravagance in the use of public resources.
- b) Council members must be transparent and accountable with respect to all their expenses and strictly adhere to all local government regulations, policies and procedures regarding compensation and expense claims.

## **11. ACCEPTANCE OF GIFTS AND HOSPITALITY**

- a) Council members shall not solicit, accept, agree to accept gifts, hospitality, rewards, aid, or other benefits which might reasonably appear to a member of the public to be in gratitude for influencing, persuading, or otherwise exceeding that which is appropriate and necessary for the public functions involved.
- b) Council members are not excluded from accepting:
  - i. compensation, gifts, or benefits that are unrelated to the performance of their duties;
  - ii. political contributions that are accepted under applicable laws;
  - iii. reasonable quantities of food and beverages at a banquet, reception, ceremony, or similar event;
  - iv. services provided without compensation by people giving their time voluntarily;
  - v. food, lodging, transportation, and entertainment provided by other levels of government or by other local governments, boards of directors or commissions;

- vi. reimbursement of reasonable expenses incurred in the performance of their responsibilities or duties;
  - vii. gifts received as a matter of protocol or social obligation that normally and reasonably accompany the responsibility of their duties; and
  - viii. symbolic gifts such as souvenirs and commemorative gifts given in recognition of service or for participation in an event.
- c) Gifts received by a Council member from Hampton in matters of official protocol that have historical significance or value for Hampton will be left with Hampton when the Council member ceases to be on duty.
  - d) When it is not possible to refuse gifts, hospitality or other unauthorized advantages, Council members must inform the Council. The Council may require that the gift be returned to the sender with a confirmation of the return and refer to this By-law, be kept by Hampton, or be disposed of for charitable purposes.
  - e) No Council member shall accept invitations from contractors or potential contractors to Hampton to attend special events which may be considered to create an unreasonable level of access or indebtedness:
    - i. **Access** can be defined as a period of contact with the member individually.
    - ii. **Indebtedness** is based on the value of the event.

## 12. USE OF PUBLIC RESOURCES

No member shall use the facilities, equipment, supplies, local government logo or other resources of Hampton for:

- a) unreasonable or for purposes other than those intended;
- b) for their personal gain; or
- c) in support of a candidate in a local government election.

## 13. COMPLAINT PROCESS

Council members are expected to adhere to the provision of this By-law. Council does not have the authority to disqualify or remove a Member from office; only a court of competent jurisdiction or the Minister of Local Government has that authority. Council does however have the right to sanction a Member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

**a) Informal Process**

Any individual who identifies or witnesses' behavior by a Council member that the individual believes is in violation of this By-law may address the behaviour by:

- i. advising the Council member that the behavior violates this By-law and encouraging the member to cease;
- ii. asking the Mayor to take part in an informal discussion with the Council member regarding the alleged complaint to resolve the case. If the Mayor is the subject of, or is involved in a complaint, the individual may seek the assistance of the Deputy Mayor.

Individuals are encouraged to follow these informal complaint procedures as the first avenue to remedy conduct that they believe violates this By-law. However, a person is not required to follow these informal complaint procedures before pursuing the formal complaint procedure described below.

**b) Formal Process**

Any individual who identifies or testifies to conduct by a Council member that the individual reasonably believes, in good faith, to be in contravention of this By-law may submit a formal complaint under the following procedure:

- i. The complaint must be made in writing to Council via the Clerk (also to Head of the Public Body, duly appointed by Council under the authority of *RTIPPA*). The complaint must be dated and signed by an identifiable individual and filed within thirty (30) calendar days of the alleged occurrence of the breach of this By-law.
- ii. The complaint shall set out the following:
  - (1) the name of the Member to whom the complaint relates;
  - (2) the section(s) of the By-law believed to have been breached;
  - (3) the date of the alleged breach;
  - (4) the facts and an explanation as to why there may be a contravention of this By-law;
  - (5) identification of any witnesses to the alleged contravention.
- iii. Following the receipt of the complaint, the Clerk shall immediately advise the Mayor or Deputy Mayor and place the matter on the agenda of the next Closed meeting of Council. The Mayor or Deputy Mayor will notify the Member in writing.

- iv. Any reported violations of this By-law will be subject to an investigation by Council. Council may retain an external consultant or panel with relevant experience to conduct an investigation and provide a report and recommendation to Council.
- v. Council members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this By-law and shall not obstruct any person in carrying out the objectives or requirements of this By-law or investigating a possible breach of this By-law. All proceedings regarding the investigation shall remain confidential.
- vi. A Council member who is under investigation shall be afforded procedural fairness, including the opportunity to respond to the allegations before Council deliberates and makes a decision or imposes a sanction. The Member who is the subject of the alleged breach may ask to have the matter tabled to obtain legal counsel, at their own expense. In such a case, a special Closed meeting will be called no sooner than seven (7) days from the date of the first meeting.
- vii. If it is determined by Council or an external consultant that the complaint is frivolous or vexatious or is not made in good faith or that there are no grounds or that the grounds are insufficient to investigate, Council may choose not to investigate further. The complainant and the Council member or members who are the subject of the complaint, must be informed of this decision in writing by the Clerk within ten (10) days of the decision being made.
- viii. If the matter is investigated further, upon conclusion, Council shall provide a copy of the report to the affected Member(s) and the complainant and at its next meeting:
  - (1) review a report of the results of the investigation. This review may be done in a Closed meeting if the report deals with any matters referred to in subsection 68(1) of the *Act*;
  - (2) hold a vote to determine whether a Council member or members have potentially violated this By-law. The affected Council member or members shall leave the room and not participate in the vote;
  - (3) pass a resolution in Open session of Council regarding the appropriate corrective action if any; and
  - (4) Notify the complainant and the Council member or members who are the subject of the complaint, in writing, of the outcome of the investigation and provide a copy of the report.

**c) Corrective Measures**

If a Council member is found to be in breach of a provision of this By-law or federal or provincial legislation, Council may impose corrective actions which may include but are not limited to the following:

- i. letter of reprimand addressed to the Member;
- ii. requiring that the Member issue a written letter of apology;
- iii. requiring that the Council member attend training or counseling as directed by Council;
- iv. suspending the Member from exercising the powers or performing the duties conferred under section 48 of the *Act*, for a period no longer than the maximum prescribed for a suspension under the *Local Governance Commission Act*;
- v. reducing or suspending the Member's compensation for the duration of any suspension imposed under section 13(c)(iv);
- vi. reducing or suspending the Member's privileges including travel or the use of resources, services or property of Hampton;
- vii. removal from membership of a committee or external appointment;
- viii. required return of Hampton property or reimbursement for its value;
- ix. restrictions on contact with Administration;
- x. penalties related to offences contained in the *Act* for violations under the Disclosure of Conflict of Interest provisions;
- xi. penalties related to offences contained in the *Right to Information and Protection of Privacy Act* for violations under that *Act*; and/or
- xii. any other penalties and/or sanctions contained in relevant federal or provincial legislation.

#### **14. LOCAL GOVERNANCE COMMISSION**

If a matter respecting an alleged breach of a provision of this *Code of Conduct By-law of Hampton Council* cannot be resolved under this By-law or the *Local Governance Act*, a person may request in writing that the Local Governance Commission investigate the alleged breach, in accordance with Section 42 of the *Local Governance Commission Act*, SNB 2023 c.18.

If a matter respecting an alleged conflict of interest cannot be resolved under this By-law or the *Local Governance Act*, a person may request in writing that the Local Governance Commission investigate the alleged conflict, in accordance with Section 44 of the *Local Governance Commission Act*, SNB 2023 c.18.

## 15. VALIDITY

The invalidity of any section, clause, sentence or provision of this By-law shall not affect the validity of any other section, clause or provision of this By-law which can be given effect without such parts.

A violation of this By-law shall not be considered a basis for challenging the validity of Council or a Committee decision.

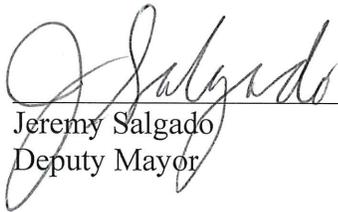
## 16. REPEAL

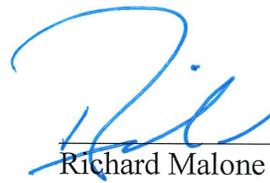
By-law No. HAM-2022-02, being *A By-law Respecting the Code of Conduct of the Council of Hampton*, enacted on January 1, 2023, and all amendments thereto, is hereby repealed.

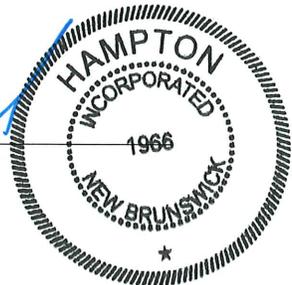
First Reading: January 14, 2025

Second Reading: January 14, 2025

Third Reading and Enacted: February 11, 2025

  
Jeremy Salgado  
Deputy Mayor

  
Richard Malone  
Clerk



The seal is circular with a double-line border. The outer ring contains the text "HAMPTON INCORPORATED" at the top and "NEW BRUNSWICK" at the bottom, separated by a small star at the bottom center. The year "1966" is printed in the center of the seal.

**APPENDIX "A"**

**STATEMENT OF COMMITMENT TO THE CODE OF CONDUCT BY-LAW OF  
HAMPTON COUNCIL**

I, (Full Name) \_\_\_\_\_ declare that, as a Member of the  
Council of Hampton, I have read and support By-law No. HAM-2025-02 *A By-law Respecting  
the Code of Conduct of the Council of Hampton.*

Signed: \_\_\_\_\_

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_

Before me:

\_\_\_\_\_  
Richard Malone  
Clerk