

BY-LAW NO. 2025-19A
A BY-LAW TO AMEND BY-LAW NO. 2025-19 A CODE OF CONDUCT BY-LAW FOR THE COUNCIL OF
TANTRAMAR

The Council of Tantrammar under the authority vested in it by the *Local Governance Act*, R.S.N.B. 2017, ch. 18, amends By-Law No. 2025-19A A Code of Conduct By-Law for the Council of Tantrammar and enacts as follows:

1. Section 6 of By-Law No. 2025-19 A Code of Conduct By-Law for the Council of Tantrammar is deleted in its entirety and replaced with the following:

6. COMPLAINTS

- a) Any person, in good faith, may report a perceived wrongdoing or make a complaint alleging a breach of the Council Code of Conduct by a Councillor.

Subject to any disclosure required by law, all reasonable attempts shall be made to keep the reports and complaints confidential until full investigation is completed in order to protect a Councillor and a complainant.

- b) The complaint shall be in writing outlining the nature and specifics of the complaint and shall be delivered within three (3) months of the perceived wrongdoing. , be dated, include a name of the complainant. The complaint must be in writing, signed by the complainant, addressed to the Mayor (or in the case of perceived wrongdoing of the Mayor, to the Deputy Mayor), and marked "confidential". In addition to a description of the nature and specifics of the complaint, a complaint must include the date of the complaint, the date of the perceived wrongdoing and the name of the complainant. The complaint may be mailed, emailed, or hand-delivered to the municipal office. All received complaints shall be included on an agenda of an upcoming Council meeting for Council's review upon receiving it within one (1) month, by following the process outlined in Schedule "A" of this By-Law.
- c) Without limited the generality of section 6(b), an anonymous complaint shall not be considered valid.

2. Section 7 of By-Law No. 2025-19 A Code of Conduct By-Law for the Council of Tantrammar is deleted in its entirety and replaced with the following:

7. COUNCIL DECISIONS

- a) Once the formal complaint process in Schedule "A" is finalized, a meeting of Council will review the final report at its next regular or special meeting, which, in any case, shall not be more than one (1) month after the final report is finalized, at which time Council will hold a vote:
 - i. To determine whether the member of council breached the code of conduct, and
 - ii. To pass a resolution respecting the appropriate corrective action, if any.
- b) If the report deals with any of the matters referred to in subsection 68(1) of the Act, the public may be excluded from the meeting for the duration of the review of the report under Section 7(a) of this By-Law. Notwithstanding the preceding sentence, any vote under Section 7(a) of this By-Law and Council's discussion relating thereto shall be conducted in open session.
- c) Without limiting any other conflict of interest provisions of the Act or at law, the affected member of Council shall not participate in any vote held under Section 7(a) of this By-Law.

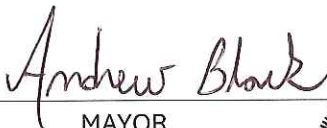
3. Schedule "A" of By-Law No. 2025-19 A Code of Conduct By-Law for the Council of Tantramar is deleted in its entirety and replaced with the following:

SCHEDULE "A"
FORMAL COMPLAINT PROCESS TO THE CODE OF CONDUCT


- a) Upon receipt of a formal complaint as outlined in Section 6(b) of By-Law No. 2025-19 A Code of Conduct By-Law for the Council of Tantramar:
- i. The Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor) shall provide written notice of the complaint to the affected member as soon as possible upon receipt. The Mayor may, but is not required to, meet with the affected member to clarify procedural matters prior to Council's review, provided that no substantive discussion of the merits occurs and the complainant is notified of any such meeting.
 - ii. Council shall complete its screening determination within 30 days of receipt of the complaint.
 - iii. At the council meeting where Council reviews the complaint, Council shall determine whether the complaint:
 - a. is frivolous, vexatious, or made for an improper purpose;
 - b. was filed within the required time period; and
 - c. falls within the scope of this Code of Conduct.Council shall not assess the substantive merits of the complaint at the screening stage.
 - iv. Council may summarily dismiss a complaint if Council determines that the complaint: (i) is frivolous, or vexatious (meaning it is clearly without substance, brought primarily to harass, or constitutes an abuse of process); (ii) was filed after the three (3) month time period in Section 6(b); or (iii) even if the facts alleged are true, does not describe conduct that falls within the scope of this Code of Conduct or any other applicable law, policy, or procedure
 - v. Before dismissing a complaint under this section, Council shall afford the complainant and the affected member an opportunity to make a brief written submission on the jurisdictional and procedural issues.
 - vi. Following the council meeting where Council reviews the complaint, The Mayor (or in the case of perceived wrongdoing by the Mayor, the Deputy Mayor) will provide notice in writing of the determination of Council, with reasons for the determination and any next steps that may follow to the complainant and the affected member of council.
- b) Should Council determine an investigation is warranted, a fair and impartial process for the investigation of the complaint by a third party will be applied which includes:
- i. If, after commencing an investigation, the investigator determines that the complaint is frivolous, vexatious, not made in good faith, or that there are no reasonable grounds to support a finding of breach, the investigator shall report this determination to Council with reasons. Council may accept the investigator's recommendation and close the file or direct the investigator to continue the investigation.
 - ii. If the investigator decides (or is directed by Council) to investigate the Complaint, the investigator shall take such steps as they may consider appropriate, including conducting interviews of Members, Administration or members of the public and which may seek legal advice in appropriate circumstances. An investigator shall make all reasonable efforts to conduct their investigation on a confidential basis.
 - iii. While, ultimately, Council adjudicates the validity of any Complaint and/or imposes the resulting actions, if any, the investigator shall, upon conclusion of the investigation, provide the complainant, the affected member of Council and Council including the Member who is the subject of the Complaint, with a written report outlining the outcome of the investigator's

- investigation, including any conclusion reached by the investigator on the validity of the Complaint and their recommendation of an appropriate actions, if any.
- iv. Upon receipt of the report, the Mayor shall schedule an item at the next regular or special meeting. At Council's request, the Investigator shall attend the meeting and shall review the process followed to consider the complaint as well as their findings, conclusions and recommendations. The Investigator shall also address any questions posed or points raised by any Members present, including the Member who is the subject of the Complaint. The meeting shall be open to the public unless the report deals with matters referred to in s.68(1) of the Act, in which case Council may resolve to exclude the public for the duration of the review, in accordance with s. 68(2) of the Act.
 - v. A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision on the validity of the Complaint and/or any actions imposed.
- c) Should the Code of Conduct complaint be against Council as a whole, the complaint will automatically be referred to the Local Governance Commission by the Chief Administrative Officer for their direction on the formal complaint process.
 - d) The decision of Council on the validity of a Complaint, including any actions imposed shall be a matter of public record.
 - e) A Member who is the subject of a Complaint is entitled to be represented by legal counsel, at the Member's sole expense.


IN WITNESS WHEREOF Tantramar has caused hereto affixed its Corporate Seal of the said Municipality to be affixed to this by-law the 10th day of March 2026 and signed by:



MAYOR



ASSISTANT CLERK



Read a first time this 10th day of February, 2026.

Read a second time this 10th day of March, 2026.

Read a third time and done and passed Council this 10th day of March 2026.