

In The Matter of a Formal Complaint filed pursuant to the  
Hanwell Rural Community  
“Conflict and Complaint Resolution Procedure Policy”  
Policy #2022-08

INVESTIGATOR’S REPORT

March 9, 2023

**\*\*CONFIDENTIAL\*\***

COMPLAINANT: Darren MacKenzie, Counsellor

RESPONDENT: Pat Septon, Counsellor

INVESTIGATOR: Rollie King, MC Advisory

MC | ADVISORY

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## BACKGROUND AND POLICY FRAMEWORK

### Background

Hanwell Rural Community (“**Hanwell**”) was incorporated as a rural community on May 23, 2014, under Regulation 2014-30 of the *Municipalities Act*. On January 1, 2023, Hanwell annexed the community of Upper Kingsclear and a portion of Island View. The community is located in York County in the Province of New Brunswick from the southern boundary of the City of Fredericton to just beyond Lake Yoho.

Hanwell is governed by a Council comprised of a Mayor, Councillors representing six Wards, and two Councillors at Large. It is supported by four staff including a CAO/Treasurer, Clerk/Assistant Treasurer, Administrative & Communications Coordinator, and a Building Maintenance Officer.

The Rural Community Offices are housed at *Hanwell Place*, along with the Community Recreation Centre. *Hanwell Place* is located at 5 Nature Park Drive, Hanwell, NB. It is situated next to the Recreation Park and Trails. Hanwell has a population of over 7,000 residents. There are more than 1,600 families and 125 businesses.

### Formal Complaint

A formal complaint was filed by Councillor MacKenzie on January 12, 2023, alleging that Councillor Pat Septon had, on numerous occasions, breached the Hanwell Code of Conduct By-Law. The CAO requested additional information on January 27, 2023, asking for a detailed description of the facts. The complaint documents are included in this report as Appendix “A”.

I was engaged by the CAO on February 6, 2023, to conduct an external investigation. I was provided a copy of the full complaint including details on February 7, 2023. A copy of the complaint was provided to the Respondent, Councillor Septon by separate correspondence where he was also notified that I was engaged to investigate the complaint.

Also on February 7, 2023, Councillor Septon confirmed that he accepted the external investigation and confirmed he would not appeal the decision to refer the matter to an external investigator. He was afforded the right to appeal the decision for an external investigation by policy.

There is an important context to this complaint investigation. There were informal complaints brought forward in 2022 involving behaviour or conduct of the same Respondent. I had already agreed to conduct a review into the previous allegations, process, procedures, and sanctions imposed for previous violations of the Code of Conduct. This review was to include a review of the Code of Conduct By-Law and Policy, all of which was directed by Council following its decisions on the previous complaints. This broader review was to be completed by the end of March. I had barely commenced

the broader review when this formal complaint was filed. The deadline in the policy required that it be dealt with as a priority ahead of the broader review.

I make particular note of this as it is relevant to the formal complaint and impacts the advice and recommendations that I provide in this investigation report. I concluded early in this investigation that it was impossible to separate the two processes.

My investigation and interviews needed to cover previous allegations that had already been dealt with by Council since the formal complaint referenced many of the same allegations as well as new allegations. Further, the Respondent was insistent that the two matters be considered concurrently and asked that I review both at the same time.

### **By-Law and Policy Framework**

Hanwell is required by the *Local Governance Act* to have a Code of Conduct By-Law in place. The relevant By-Law is By-Law No. 16-2019, A By-Law Establishing the Code of Conduct for Council. A copy of the By-Law is included in this report at Appendix “B”. This By-Law was last amended on May 18, 2022. It had already been in place for several years.

The Purpose of the Code of Conduct By-Law is:

1. *To set clear expectations of behaviour of members of Council;*
2. *To provide information to the public as to the behaviour they can expect from members of Council;*
3. *To provide guidance to members of Council in how they conduct their duties as council members; and*
4. *To provide a process for responding to alleged breaches of the Code.*

The Code of Conduct By-Law spells out the Duty of Council as follows:

*“Members of Council are held to a high standard as leaders of the community and as such, they are expected to be well informed on all aspects of municipal governance, administration, planning, and operations. They need to carry out their duties in a fair, impartial, transparent, and professional manner.”*

The By-Law lays out specific expectations of Councillors including the following:

- Responsibilities;
- Confidentiality;
- Conflict of Interest;
- Conduct at Council/Committee Meetings;
- Respect For Decision-Making Process;
- Respectful Workplace;
- Communicating on Behalf of the Community;
- Conduct Respecting Staff/Council;

- Interpersonal Behaviour;
- Gifts, Benefits, and Hospitality;
- Use of Government Property, Resources, and Services;
- Use of Social Media; and
- Compliance with the Code of Conduct.

The Code of Conduct By-Law is supported by Hanwell Approved Policy. The relevant policy is Policy #2022-08, Conflict and Complaint Resolution Procedure Policy. The Policy specifically references the Code of Conduct By-Law as

*“...a procedure for addressing conflicts and complaints between Council members, between staff, between Council members and staff, between the public and either Council members or staff...”*

The policy is included with this report as Appendix “C”. It includes specific sections on the following:

- Informal Complaint Process;
- Formal Complaint Process;
- Sanctions and Consequences (Council);
- Sanctions and Consequences (Staff); and
- Mutual Resolution of Complaints.

The relevant section for this external investigation is Section #2 – Formal Complaint Process. The provisions that pertain to my mandate are as follows:

*vii. If an external investigation is warranted:*

- *The investigator must report back to the Clerk on appropriate censure, sanctions, or corrective action (if applicable) within 30 days of receiving the complaint.*
- *If the facts, as reported, include the names of one or more individuals who are alleged to have breached the By-Law or other legislated obligations, the individual(s) concerned shall receive a copy of the complaint submitted to the investigator, subject to RTIPPA.*
- *An investigator appointed by the Clerk shall review the complaint and shall take such steps as he/she may consider appropriate, including conducting interviews of Council members, staff or members of the public that are relevant to the complaint and may seek legal advice in the appropriate circumstances. Information received during interviews may be in person or in writing. An investigator shall make reasonable efforts to conduct their investigation on a confidential basis. The investigator will submit any supporting material to the individual who conduct is in question with a request that a written response to the allegations, be received within 10 business days. A copy of the response*

*shall be provided to the complainant with a request for a written reply within 10 business days.*

- *While, ultimately, the Clerk adjudicates the validity of any complaint and/or imposes the resulting sanction, if any, the investigator shall, upon conclusion of the investigation, provide the Clerk including the individual who is the subject of the complaint, with a written report outlining the conduct of the investigator's investigation, including any conclusion reached by the investigator on the validity of the complaint and their recommendation of an appropriate sanction, if any. This report shall be provided to the Clerk within 30 days of receipt of the complaint.*
- *An individual who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before the Clerk deliberates and makes any decision on the validity of the complaint and/or any sanction is imposed. The response must be received within 10 business days of receipt of the investigator's conclusions.*
- *An individual who is the subject of a complaint is entitled to be represented by legal counsel, at the individual's sole expense.*

# INVESTIGATION APPROACH

## Methodology/Approach

I commenced an investigation into the formal complaint immediately as time was of the essence. I was required to provide a report within thirty days of receiving the complaint, by March 9, 2023. The requirement for reporting was exacerbated by scheduled vacations during this 30-day period for various counsellors including the Respondent as well as other interviewees. I was notified at the outset that the Respondent would be unavailable from March 1 – 15, 2023.

I was provided with the relevant documentation including Hanwell Policies and By-Laws including those outlined previously in this report. I was also provided contact information for the Complainant and Respondent. The process included the following steps:

- A review of the relevant Policies, By-Laws and Legislation;
- Scheduling of interviews with the Complainant and Respondent;
- Further interviews with all other Councillors on Council excluding those who joined in January 2023;
- Interviews with the CAO/Treasurer and Clerk/Assistant Treasurer; and
- Review of additional materials provided by the Respondent as well as those provided by some witnesses in support of their interviews.

I conducted 11 interview sessions involving the Mayor, Deputy Mayor and four counsellors and two staff members. The interviews were conducted as follows:

Complainant	February 15 and March 3, 2023
Respondent	February 16, 21 and 26, 2023
Mayor, Dave Morrison	February 27, 2023
Deputy Mayor/Councillor, Susan Jonah	February 27, 2023
CAO, Terri Parker	March 1, 2023
Clerk/Assistant Treasurer, Sherri Johnson	March 2, 2023
Councillor Tim Fox	March 2, 2023
Councillor Holly Hyslop	March 8, 2023

My first interview was with the Complainant as it is always important to understand the context or the “why the complaint was filed” as well as the outcome desired by the Complainant. I also inquired into the reason for including allegations previously raised and dealt with by Council.

The second priority was to hear from the Respondent. I believe it was important to provide the Respondent full opportunity to respond to the allegations outlined in the report. This

was all the more important given the history of the previous complaint in 2022. He cooperated with me fully to that end and made himself available on three occasions. He also provided me with many of the documents that I have relied on in my analysis.

I relied on the documentation provided in the formal complaint as well as documentation provided by the Respondent and other witnesses during the interviews. The documents included:

- Email Threads
- Social Media Posts
- RTIPPA Responses
- Correspondence
- Council Minutes

To my knowledge much of the documentation is a matter of public record. I have not included most of these documents in this report. Many of these documents are more relevant for the broader review and will be referenced in detail in that report to be submitted late in March.

I have attempted to focus the analysis for this report on the allegations referenced in the formal complaint of January 12, 2023. I believe that my mandate, as outlined in the Policy, as referenced previously, requires me to focus on these specific allegations. I cannot however, ignore the previous events that occurred prior to this complaint as they are linked and cannot be severed. My analysis and recommendations take these into consideration as well as the impact of the broader review to be included in the broader report that Council will receive and consider shortly after this report is received.



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## COMPLAINT ALLEGATIONS

Numerous sections were referenced in the complaint. The Complainant alleges that the following sections of the Code of Conduct By-Law were violated:

RESPECTFUL WORKPLACE – Section 10

COMMUNICATING ON BEHALF OF THE COMMUNITY – Section 11(d), (e), (f)

CONDUCT RESPECTING STAFF/COUNCIL – Section 12(c), (e), (f), (g)

INTERPERSONAL BEHAVIOUR – Section 13(a)

USE OF SOCIAL MEDIA – Section 16(a), (c)

The Complainant provided screenshots of several emails and social media posts made by the Respondent. I provide a brief summary here of each circumstance or incident that gave rise to the posts or emails. The screenshots are included in the complaint documentation found in Appendix A of this report.

The summaries follow. They are provided in the order they appear in the complaint documentation and are not in chronological order. I am numbering them here for ease of reference in this report.

### 1. Remuneration By-Law Change

Council amended several By-Laws in the Spring including a By-Law including By-Law 29-2022 A By-Law Respecting the Remuneration of Mayor and Councillors. The changes were approved during the Council meeting of May 18, 2022. The By-Law was posted in July. The version posted online contained an error in the wording.

The complaint contains emails starting on July 7, 2022, from the Respondent suggesting that staff deliberately changed the wording and also suggesting that staff may have arbitrarily made changes to other By-Laws. These emails were copied to Staff and Council.

The Complainant alleges that Sections 10, 12(c), 12(e), 12(f), 12(g) and 13(a) of the Code of Conduct By-Law were violated.

Staff replied and confirmed that it was a clerical error and took appropriate steps to have the error corrected. However, the Respondent was of the view that the changes were deliberate, even after receiving this reassurance from staff. Staff took offence to these accusations and raised their concerns with the Mayor.

### 2. Hanwell Park Academy

A new school had been constructed in Hanwell and was opening in September of 2022. The Respondent felt that for reasons of student safety there should be a crosswalk crossing Route 640 (the “**Hanwell Road**”). Council had much discussion and debate over

the issue including discussions with the Provincial Department of Transportation and Infrastructure (“DTI”).

There were competing jurisdictions at play. Advice received was that the road including the installation of crosswalks was a Provincial responsibility. The road is a major thoroughfare with speed limits of up to 80 km/h. Advice was also provided that suggested a crosswalk would not be installed unless there was a sidewalk or a trail. Sidewalks and trails are a municipal responsibility.

The Respondent felt passionate about the need for a trail in order to be eligible for a crosswalk. There were dissenting views from some Councillors and Council was certainly divided on the issue. Ultimately there was a motion dealing with this issue and it was defeated at Council.

The complaint includes screenshots of social media posts from the Respondent. In these posts he is critical of Councillors, Hanwell staff and the school Principals on the issue as well as the procedure followed at the Council meeting. In the second post he calls out the Principal for not wanting a trail or the chance for a sidewalk.

The Complainant alleges that Sections 11(e), 11(f), 12(c), 12(e), 12(g), and 13(a) of the Code of Conduct By-Law were violated.

### **3. Closed Session - Contracts**

Hanwell provides garbage collection through an external contract. The service was currently being provided by a different company who had been awarded the contract through an open procurement process. The contract was up for renewal but permitted a one year extension. It was placed on a Council agenda to be dealt with in closed session at a meeting in September of 2022. Council discussed the contract during the closed session. There were other factors at play including the desire to align the extension with the expiration of a contract with a neighbouring community eleven months later. Ultimately made the decision to put it up for tender again rather than extend.

The complaint contains an email from the Respondent to Council and Staff questioning why the contract was dealt with in closed session. The Respondent felt that it should have been dealt with publicly and should have required public input.

There is no documentation to suggest that the Respondent raised a point of order during the Council meeting about going into closed session but he certainly questioned the appropriateness in the email sent the next day. He goes on to suggest that Council was making decisions behind closed doors and that the public does not trust Council he called for an external review of the procedures followed.

The Complainant alleges that Sections 12(f) and 13(a) of the Code of Conduct By-Law were violated.

#### **4. Recording of Council Meetings**

Council had a practice of recording Council meetings and posting the recording through a local radio station. The Complainant was actually the Councillor who looked after this process voluntarily. Council held administrative meetings in preparation for Council meetings where agendas were set. These meetings are considered operational or administrative in nature and are not the forum where Council decisions are made.

There were internal discussions through email between Councillors and staff about adding an item for an upcoming Council meeting. The request was to consider stopping the practice of recording Council meetings. The Complainant indicated that data showed nobody accessed the recordings so they were of little value but were an administrative burden to do.

Ultimately the item never made it to a Council agenda. The Councillor withdrew the request when some type of arrangement was made.

The complaint contains a social media post (November 4, 2022) and an email (November 5, 2022) to Council and Staff from the Respondent. The post contains a plea to the public to come out to the next Council meeting when Council would consider a motion to cease recording Council meetings immediately. The Mayor wrote to the Respondent asking that he take the post down as the item was not even on a Council agenda. It was pointed out that internal discussions should be just that. The Mayor cautioned the Respondent that he was in violation of the Code of Conduct in making the post.

The email is a response from the Respondent after he was asked by the Mayor to take down the post. He suggests that the Mayor shouldn't threaten him with Code of Conduct violations. He suggests that Council actions in the past were the reason he lost a previous job. He also threatens to take public action if any action is taken against him.

The Complainant alleges that Sections 10, 11(f), 12(c), 12(e), 12(g), and 13(a) of the Code of Conduct By-Law were violated.

#### **5. Special Meeting of Council – December 6, 2022**

The Respondent was the subject of an informal complaint in the fall of 2022. The complaint arose from several Councillor colleagues and from Staff over his conduct and behaviour including comments, criticisms and accusations related to a host of issues. In general terms the complaints and concerns raised felt his communication in posts and emails was inappropriate, unprofessional and disrespectful.

Council received a summary of the concerns raised and commenced discussions in closed session during the regular Council meeting in November. The Respondent was notified in advance and was provided a copy of the concerns and allegations. He declined to participate in the closed session. The reason provided was that he felt he was in a conflict. He did provide a written statement to Council.

Council did not conclude their discussions during the November meeting and agreed to hold a special meeting on December 6, 2022, to finish the discussion and to determine what if any consequences should be imposed. The document provided to Council was prepared by the Clerk and covered a timeframe from June to November. It contained 26 alleged violations of the Code of Conduct By-Law. Council considered each allegation and ultimately made a determination that he was in violation for 18 of the 26 items. They went on and imposed sanctions on the Respondent. The Code of Conduct By-Law provides the authority for Council to impose sanctions for violations.

The complaint contains an email to Council and Staff from the Respondent dated December 3, 2022. It also contains a social media posts dated December 5 and 6, 2022. In the email he questions the purpose of the Special meeting that was to be held on December 6, 2022. He suggests that he will attend the meeting and would be inviting media and public. He suggests that Code of Conduct violations should not be dealt with in closed session. He also indicates he will be bringing a motion forward to call on the Province to investigate the actions of Council. He also criticizes the process followed by Council.

In the first post he indicates that Council will be dealing with his Code of Conduct violations on December 6, 2022. He calls on the public to come out and support him. He suggests that Council is being punitive and goes on to provide brief details of some of the items to be discussed. In the second post he criticizes the Code of Conduct and Council.

The Complainant alleges that Sections 10, 11(d), 11(e), 12(c), 12(e), 12(g), 13(a), 16(a) and 16(c) of the Code of Conduct By-Law were violated.

## **6. Reaction to Sanctions Imposed**

Council concluded deliberations regarding the informal complaint brought forward and imposed Sanctions on December 6, 2022. The Respondent was notified of the decision in writing. The Respondent has continued to react to the Council since that time as he felt that he was not in violation and that the process was flawed.

The remainder of the complaint document contains four social media posts (December 18 and 25, 2022, January 4 and 5, 2023) as well as two emails to Council (January 5 and 12, 2023). Staff were copied on the second email. I have grouped them in this one section as they are all statements the Respondent makes to the Council decision of December 6, 2022.

The Respondent is critical of Council, the Code of Conduct, the process in each. He is critical of the Mayor directly in one post (December 18, 2022). He continues to criticize the process and claim that Council's own procedures were not followed.

The Complainant alleges that Sections 10, 11(e), 11(f), 12(c), 12(e), 12(g), 13(a), 16(a) and 16(c) of the Code of Conduct By-Law were violated.

## SUMMARY OF COMPLAINANT

Councillor MacKenzie was interviewed at the beginning of this investigation and again later in the process. He feels that Councillor Septon has repeatedly breached the Code of Conduct. He expressed the view that he just wants Councillor Septon to stop being disrespectful, inappropriate and unprofessional. He explained that he filed the formal complaint in an effort to get the conduct to stop. He expressed the view that Councillor Septon has ignored the informal complaint process and outcome.

Councillor MacKenzie expressed great frustration with the time and energy being spent by Council and Staff as a result of Councillor Septon's comments and communications. He does not believe that Councillor Septon will stop. Councillor MacKenzie has described the toll it has taken on him and indicated that he may not run again for Council.

Councillor MacKenzie also believes that Councillor Septon does not understand his role as a Councillor. He has described the actions of Councillor Septon as activism instead of as a Councillor representing the interests of the entire community of Hanwell. He explained that he posts everything publicly whether it is appropriate to do so or not. He believes that Councillor Septon feels there is some kind of conspiracy.

Councillor MacKenzie indicated that it is ok to have differing opinions and to express his own opinion. He takes offense at how Councillor Septon treats Staff and other Councillors. He takes offense with how Councillor Septon says things. He believes that Councillor Septon's behaviour has created a toxic work environment for Staff and Council.

Councillor MacKenzie described a situation where Councillor Septon attacked him because of a disagreement. He explained that he has been on the receiving end of disrespectful and inappropriate comments.

Councillor MacKenzie believes that Councillor Septon has created an environment of distrust in the community and an irrational fear of a conspiracy with the public. He feels that the reputation of Staff, Council and individual Councillors has been harmed.

Councillor MacKenzie wants a resolution to this behaviour. He is looking for an apology, and a change in how Councillor Septon communicates as remedy.

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## SUMMARY OF RESPONDENT

It is important to note that I wanted to provide Councillor Septon with full opportunity to provide his position. To that end we met on three occasions. I was provided with many documents regarding the various situations that gave rise to the complaints all of which were reviewed in detail during our interviews.

Councillor Septon maintains his belief that he has done nothing wrong. He feels strongly that Council followed no process in dealing with the informal complaint in November. He provided me with a detailed explanation of why he felt that process was not followed.

Councillor Septon explained to me in great detail why he ran for Council. He provided me with many email threads and posts that were not included with the formal complaint.

Councillor Septon believes that there needs to be more transparency. He expressed the view that Council tries to hide everything from the public. He believes that it is his role to bring these concerns to light. He believes that he has an oversight role on Council.

Councillor Septon has provided his explanation for why he made the posts and emails. He feels he is justified and that his comments are accurate. He does not believe that anything was misleading or inaccurate.

He believes that the Code of Conduct By-Law is being misused. He explained that it should only be for serious misconduct and illegal activity. He feels that Council is trying to keep him from communicating with constituents and is trying to police what he can say.

He believes that it is appropriate to be critical of Staff and Council. He does not believe that many of his comments are disrespectful or inappropriate. He does not believe that comments he made could damage reputations or be taken as offensive. He feels he has a right to say what he has said. He expressed the view that Council can be mad and upset with me, but they cannot stop me from doing what I do. He believes that he is championing more transparency and accountability for the public. His only concession during our interviews was that perhaps he could wordsmith better.

Councillor Septon confirmed that he voted for the amendments to the Code of Conduct By-Law in May. He does not believe that it is being used appropriately against him in this case. He feels that it is being “weaponized”.

Councillor Septon referenced several occasions where he was “given a code of conduct”. When I dug into these particular circumstances it appears that if he is cautioned by the Mayor or Councillors he takes these as threats or “code of conducts”.

Councillor Septon explained that he will continue to attack Council and Staff if Council continues to attack him. He believes that he is justified in responding to Council in this manner. He believes that he can question Council motives in public. He does not believe that he should have to challenge Council through legal means in the court although he

has indicated that he will do so if Council continues to attack him with the Code of Conduct.

## SUMMARY OF OTHER WITNESSES

All those who were interviewed believe that Councillor Septon was inappropriate, disrespectful and unprofessional on numerous occasions. Most are of the view that he has repeatedly violated elements of the Code of Conduct.

Most described the toxic environment that this has created for Staff and Council. Many Councillors expressed the view that they may not remain on Council due to the conflict and tension this has created.

Most of the witnesses believe that the By-Law and the Policy were followed appropriately. Many of the witnesses explained that Councillor Septon did not necessarily understand process. They believe that his views on transparency and accountability are misinformed and shaped by his own conspiracy theory.

Most witnesses described situations where they were personally attacked. These attacks are almost always in public as Councillor Septon posts everything and puts everything in emails when often it is easier to discuss in person or by phone.

Most witnesses have described the efforts that they have made in attempting to explain processes to Councillor Septon, but he does not accept their explanations or does not understand.

Most of the witnesses expressed frustration with the time, energy and resources that are being devoted to these issues. Many Councillors feel that it is distracting them from the work they should be focused on for the community.

It was described by many that staff time in particular has been and continues to be wasted due to the actions of Councillor Septon. They described situations where Councillor Septon called on the public to file requests for information under the *Right to Information and Protection of Privacy Act* (“**RTIPPA**”). Staff have been inundated with such requests since this call from Councillor Septon.

Most witnesses do not believe there are issues of transparency. They believe that Council acts appropriately and in the interests of the community. Several Councillors believe that Council’s reputation has been damaged in the eyes of the public. One Councillor stated, “The public perception is that Council is divisive, divided, and dysfunctional.”

Everyone wants the conflict to end. Most do not believe that Councillor Septon will change how he communicates despite sanctions already imposed.



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## ANALYSIS

This complaint and investigation is complicated by the fact that many of the allegations made in the formal complaint were already examined, considered and dealt with by Council during the Special meeting on December 6, 2022. It is further complicated by the fact that I have been engaged to conduct a broad review of these same matters as well as the process and procedures that Council followed.

For this reason I have determined that it would not be appropriate for me to comment on allegations that Council has already dealt with in this report. Instead I will focus my attention on those allegations arising out of posts and emails following December 6, 2022.

The allegations described in items #1 – 4 will be covered in great detail through the broad review that is not yet complete. That review will include an examination of the conduct of Councillor Septon, an examination of the process followed as well as a review of the By-Law and Policy. I believe that Council will need to consider both reports prior to making any decision on these matters.

This report will limit its analysis on items #5 and #6.

The relevant sections of the By-Law identified for these allegations include:

Section 10 – Respectful Workplace

Section 11 – Communicating on Behalf of the Community

Section 12 – Conduct Respecting Staff/Council

Section 13 – Interpersonal Behaviour

Section 16 – Use of Social Media

### **Code of Conduct By-Law**

Much time was spent reviewing the By-Law.

Its purpose is clear. It is intended to set out clear expectations of behaviour for Councillors, the type of behaviour expected and guidance on how to conduct duties of Council.

The By-Law is clear that Councillors are held to a higher standard. Councillors are required to carry out their duties in a fair, impartial, transparent, and professional manner.

It was described to me by many that the By-Law requires all Councillors to act in a professional, respectful and appropriate manner. I concur with that description. That is the intent of the By-Law. Any consideration of alleged violations must be done with that overarching consideration.

## Specific Violations

Section 10 reads as follows:

“All members of Council have a duty to treat members of the public, one another, and staff **with respect and without abuse, bullying, or intimidation**, and to ensure that their work environment is free from discrimination and harassment. Members of Council must ensure compliance with the New Brunswick Human Rights Commission and WorkSafe NB.” (*emphasis added*)

In reviewing the specific posts and emails I am of the opinion that the Respondent was disrespectful and intimidating on several occasions. The Respondent should have reasonably known that the comments would be taken as offensive. I have concluded based on his explanation during the interviews that he does not believe he must act respectfully if he believes it to be true. Further his threats should be taken as intimidating and abusive to Council. **I have concluded that this section has been violated.**

Section 11(d) reads as follows:

“Members must keep in mind that they are always a representative of the Rural Community of Hanwell, including when engaging in social media activities, and Members are encouraged to identify when views expressed are theirs alone and not official municipal communication.”

I have carefully considered these allegations. I do not believe any communications or comments made by the Respondent were misunderstood. I do not believe anyone would mistakenly conclude that his views were the official communication of Council. It would seem obvious to me that all of the posts and emails were the view of Councillor Septon alone. **Therefore I have concluded that this section was not violated.**

Section 11(e) reads as follows:

“No member of Council shall make a statement when they know that statement to be false.”

After careful consideration I do not believe that the Respondent knew statements outlined in Items #5 or #6 were false. In fact I believe that Councillor Septon believes very strongly that they are true. **To that extent I have concluded that this section was not violated.** Whether this section was violated for allegations stemming from earlier incidents will be dealt with in the broader review.

Section 11(f) reads as follows:

“No member shall make a statement with the intent to mislead Council or members of the public.”

After careful consideration I do not believe that the Respondent intended to mislead members of Council, or the public as outlined in Items #5 or #6. Once again I have concluded that Councillor Septon believes very strongly that they are true. I find no intention to mislead in his actions. **To that extent I have concluded that this section was not violated.** Whether this section was violated for allegations stemming from earlier incidents will be dealt with in the broader review.

Section 12(c) reads as follows:

“No member of Council shall **maliciously or falsely harm the professional or ethical reputation** or the prospects of staff or other members of Council.” *(emphasis added)*

The Respondent does not believe harming reputation with public comments is wrong. In reviewing the documents and statements made by Councillor Septon I believe that he has harmed the reputation of staff and Council. I further have concluded that it was at times malicious or false as he was provided information in many circumstances that contradicted his statements, yet he continued to make them. **I have concluded that this section was violated.**

Section 12(e) reads as follows:

“Council shall not use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with intent to interfere with the person’s duties including the duty to disclose improper activity.”

I note that this section uses the phrase “Council shall not...” rather than “Members of Council...”. This gave rise to whether it applies only to Council or also applies to Councillors. After considering the purpose and intent of the By-Law I have determined that it must apply to Councillors.

I have considered the emails and posts and note that the Respondent has repeatedly threatened Council with further attacks. In his interview, Councillor Septon made clear that he would continue to attack Council in the public. **For these reasons I have concluded that this section has been violated.**

Section 12(g) reads as follows:

“Members of Council are not to use indecent, **abusive, bullying, harassing, or insulting** words or expressions toward another member, any staff or the community or any member of the public.” *(emphasis added)*

I have considered the statements made by the Respondent during his interview. He expressed to me that he believed it is ok to be abusive or insulting if he believes the statement to be true. Given this position and reviewing the statements made, I believe he has been abusive and insulting to Council. Please note that the posts and emails provided

to support items #5 and #6 are directed almost exclusively at Council. Whether he also was abusive to Staff will be considered in the broader review. **Therefore, I have concluded that this section has been violated.**

The first statement of Section 13(a) reads as follows:

“Treat every person with dignity, understanding and respect.”

It is clear to me that the Respondent was not respectful in his communications to staff and Council. It is one thing to have dissenting views but to express them in a disrespectful manner is not justified. **I have concluded that this section has been violated.**

Section 16 (a)reads as follows:

“Once posted on social media, any material or comment is accessible to anyone with an internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the Rural Community of Hanwell, members should act with discretion and be judicious in what material they post on social media. As with any other communication, members are accountable for the content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feeling and emotions can become inflamed.”

I have considered the application of this section repeatedly. Discretion and acting judiciously can be considered more subjective. However, it is clear that some of the same posts provided in the complaint demonstrate a lack of respect and professionalism. Certainly some posts were inflammatory which would demonstrate to me a lack of discretion. The Respondent has put out confidential information to the public but that information pertained to him personally. I do believe that Councillor Septon should be more discrete in what he says and how he says it. **I have concluded that this section has not been violated.** Councillor Septon believes that he must be transparent in all that he does.

Section 16(c) reads as follows:

“No member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.”

I have no doubt that many of the statements made in posts were unsubstantiated, offensive and disrespectful. Councillor Septon believes that he is justified in making such comments if he believes them to be true. That does not make them true. **I have concluded that this section has been violated.**

---

## RECOMMENDATIONS

I am required by the Conflict and Complaint Resolution Procedure Policy to provide conclusions reached on the validity of the complaint as well as recommendations for appropriate sanction, if any.

My analysis has made clear that there were repeated violations of the Code of Conduct. In particular I have concluded that Sections 10, 12(c), 12(e), 12(g), 13(a), and 16(c) have been violated.

The issue of recommendations for appropriate sanction is much more difficult for two reasons.

First, the broader review of behaviours, process and framework has not been completed. Hypothetically if the conclusion reached on process was that it was flawed it raises the question of whether the decision of Council would stand and what is the appropriate remedy.

Council imposed sanctions on the Respondent for repeated violations. Despite the sanctions already imposed Councillor Septon continues to disregard the By-Law. Further sanctions should be more significant if they stand. However, if they were to be revoked recommendations on appropriate sanctions may be different.

The second reason that this is a difficult question to answer is because I cannot ignore Councillor Septon's motivation following the December 6, 2023, sanctions. He believes the sanctions were not warranted. Although the end does not justify the means he could be somewhat vindicated if there is ultimately a conclusion that the process was flawed or that the By-Law or Policy was not followed. That does not excuse his methods, but it does mitigate them to some extent.

Therefore, I am recommending that Council accept this review and defer any action or discussion until the broader review is complete.

I do believe that sanctions are warranted. I also believe that there should be penalties included in any sanction, but I cannot provide advice on the type of sanction until the review has been finished. Further I believe that in order to bring about any change in behaviour, sanctions must include further training and education on respectful workplace behaviours as well as municipal procedures. I have observed in my interviews that there is a level of distrust and lack of confidence within Council. I am not convinced that even extensive mediation would repair the current relationships and work environment for Staff or Council.

I will provide recommendations in these areas as part of the broader review.

Respectfully submitted,

Rollie King

MC Advisory

## APPENDIX A

### Terri Parker

**From:** Darren MacKenzie  
**Sent:** January-12-23 2:26 PM  
**To:** Dave Morrison; Susan Jonah  
**Cc:** Terri Parker; Sherri Johnston  
**Subject:** formal Code of Conduct complain against Councillor Septon  
**Sensitivity:** Confidential

Attn: senior council  
 CC: Clerk and CAO

Greetings,

It is with a fair degree of frustration that I feel I need to enter this formal complaint. It appears that the findings and sanctions issued as a result of the INFORMAL complaint are not only being ignored by this Councilor, but in that he doesn't agree that any of it is valid. So here we are, **further wasting resources** on making this formal, in hopes that it will be more clearly understood this time. I find this rather ironic from a person I consider an "activist" (something I have mentioned several times previously) about wasting taxpayer resources, that he would insist on continuing to take on actions that will cause resources to be wasted. It would be interesting to see an exact tally on how much money and time has been wasted on this so far.

My complaint runs several-fold. Firstly, the long list of unprofessional behavior, both online as a representative of Council, and in internal communications (particularly towards staff). The internal communications have created a completely toxic work environment, and are causing serious questions about the level of trust of this Councilor. Personally, I have anxiety communicating with him in any way, as I feel that internal communications that *should be* treated as confidential will just end up online somewhere, where they will be spread without context. This is wrong for a variety of reasons, not the least of which being a cause of distrust and being wildly unprofessional. Online communications have got completely out of control. This Councilor has crossed the line from member of Council to public activist. You can be one or the other, but you can't be both. Activism causes knee-jerk reactions, irrational behavior and conspiracy theories, and completely clouds judgement. What makes matters worse is that much of this egregious internal communication (particularly to staff) would never be tolerated in the private sector. Mistreatment of others within an organization is usually treated as one of the most serious HR-related issues. Yet here in the public sector, even when it has been shown multiple times how unprofessional, disrespectful, and in many cases outright hurtful they are, they not only did not stop, but he "doubled-down" on them and suggested that a small band of his loyal followers should further waste staff time by filing RTIPPA requests to see them. Then he posted (completely *unedited and unredacted*, which potentially raises privacy questions) ALL of it online. No person, in any workplace, regardless of where it is, should EVER be put in a state that they have been hurt so badly and so frequently that they leave there in tears. And then when this was brought up, at a public session of Council, it was not even acknowledged. I'm disgusted.

Many of the endless back-and-forth communications that happen internally, and the conflict it has often caused, could have been resolved by simply picking up the god damn phone and calling the person. The same can be said about the issue with our school's principal, but I'm not looking to include this in the formal complaint here, as he has suggested that he has already apologized to the victim for his actions. The point

that I'm trying to make is that I've never seen somebody be so adamant about not just picking up a phone to ask a question, instead choosing to rely on one-way communications with missing or incomplete context and escalation as they continue! Pick up the god damn phone and call the person!!

The other large thing that needs to be addressed in his online behavior that is conduct unbecoming of a Councilor. As already noted, you can't sit in both chairs, a Councilor and an 'activist' at the same time. The social media activism over some specific subjects does nothing to advance this community. It is creating an irrational fear that there is some kind of "conspiracy" with Council and staff to do something. I'm not sure what that "something" is, but the posts about the municipal lack of "transparency and accountability" never seem to stop, even though I've never seen an example of what we're doing wrong. And in the one case that he does explain where he thinks it's wrong (the solar project), he has had the process explained to him numerous times, but either doesn't understand why he's wrong or he simply yet again refuses to believe it. These constant and irrational attacks on the reputation of Council MUST stop.

With the above information, I believe that there have been numerous violations of (at a minimum) of the following sections of the Code of Conduct: 10, 11d, 11e, 11f (this is one of the most frequent, due to the activism), 12c (also quite frequent), 12e, 12f, 12g (another frequent one), 13a (and the other very frequent one), 16a, and 16c.

This Councilor was given the ability to defend or explain his actions during the informal investigation at least twice (invited to attend the closed sessions to discuss this) and *refused* both times. So there can be nothing said that there wasn't an attempt made to allow him to defend himself. The opportunity was given, and refused, twice.

I would like this to be addressed in closed session in the upcoming regular session of Council. He should be given, yet again, the opportunity to defend himself...but I believe he will yet again decline, and blame Council for "coming after him".

This communication should be treated as **confidential**, and will explicitly be marked as so in Outlook.

Darren MacKenzie  
Councillor at Large, Hanwell

Any correspondence with employees, agents or elected officials of the rural community of Hanwell may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act of the Province of New Brunswick.

D-177  
\_\_\_\_\_  
Darren MacKenzie -  
01/12/2023  
Date -  
\_\_\_\_\_  
Witness  
Shawn J.



SCHEDULE "A"

Formal Complaint Form - Member of Council

Complainant Information:

Name:	<u>DARREN M<sup>4</sup> KENZIE</u>
Residence:	<u>HANWELL, NB</u>
Mailing Address:	<u>53 MENZIES DR., HANWELL, NB, E3C-1M6</u>
Phone Number:	<u>506-471-4474</u>
Email Address:	<u>DMACKENZIE@HANWELL.NB.CA</u>


**Please Note:** This form may be sent to the member (s) of Council; supporting documentation relevant to this complaint may be sent to the member (s) of Council; this form and supporting documents may be sent to an external investigator.

Member(s) of Council in Question: PAT SEPTON

Rule(s) of the Code of Conduct believed to have been contravened:  
10, 11D, 11E, 11F, 12C, 12E, 12F, 12G, 13A, 16A, 16C

Outline the details of your Complaint. Include names of any witnesses.  
 Use additional pages, as necessary.  
 Provide clear and specific information. If you refer to any documents, please attach copies of these documents to this Complaint Form:

AN EMASL HAS BEEN ATTACHED, TO PROVIDE  
BETTER CONTEXT AND A MUCH LARGER DESCRIPTION  
OF THE PROBLEMS. THIS COUNCELLOR HAS A HABITUAL  
PROBLEM OF DISRESPECTING BOTH STAFF AND OTHER  
COUNCIL MEMBERS, AND IS PERSISTENTLY  
(AND UNAGASHABLY) TARNISHING COUNCIL ONEONE.  
THIS MUST STOP.

Complainant's Signature: 

Date: 01/12/2023



January 27, 2023

Darren MacKenzie  
53 Menzies Drive  
Hanwell, NB  
E3C 1M6

Re: Formal Complaint  
Councillor Pat Septon

Dear Councillor MacKenzie,

I have reviewed your formal complaint dated January 12, 2023 against Councillor Pat Septon and am reaching out to you for additional information.

As per our Conflict and Complaint Resolution Procedure Policy #2022-08 under section 2(b)(i) it states that the complaint should include a detailed description of the facts, as they are known which give rise to the allegation.

You have stated in your email that is attached to Schedule "A" a few quotes but have not stated how they are related to the section of the Code of Conduct that you state Councillor Septon is in violation of.

Could you provide additional information, and then I will review your formal complaint to determine whether there are sufficient grounds for an investigation. If it is determined that there is not sufficient grounds to move forward with this investigation, I will advise you in writing outlining the reasons for not proceeding with your complaint. If it is determined that complaint shall be investigated, I will appoint an outside investigator to conduct the investigation and will notify Councillor Septon of the complaint.

If you would like to continue with this complaint, kindly forward me the additional information for my review.

If you have any questions, don't hesitate to contact me.

Regards,

Terri L Parker  
CAO/Treasurer

5 Nature Park Drive, Hanwell, NB E3E 0G7

**Terri Parker**

---

**From:** Terri Parker  
**Sent:** January-27-23 3:06 PM  
**To:** Darren MacKenzie  
**Subject:** Formal Complaint- Councillor Septon  
**Attachments:** Councillor MacKenzie- Formal Complaint- Add't Information.doc

Councillor MacKenzie,  
Please find attached a letter seeking addition information for your formal complaint.  
Kindly forward them as soon as possible, if you would like to proceed.  
Once I receive them, I will continue to investigate to see if the complaint is valid.  
Have a nice weekend,  
Terri

*Terri L Parker*

**CAO/Treasurer**  
Rural Community of Hanwell  
5 Nature Park Drive,  
Hanwell NB E3E 0G7  
Email: [tparker@hanwell.nb.ca](mailto:tparker@hanwell.nb.ca)  
Website: [www.hanwell.nb.ca](http://www.hanwell.nb.ca)  
460-1177 extention #3

*Any correspondence with employees, agents or elected officials of the rural community of Hanwell may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act of the Province of New Brunswick*

Section 10.12c, 12e, 12f, 12g, 13a.

Pat Septon  
 To: Mayor, Council & Staff 2021-2025

 Thu 7/7/2022 8:24 PM

Hello Darren (Chair), Tim (Vice-Chair) Governance Committee

Cc: Mayor and Council

I just seen the updated by-laws. The ones we just passed including <https://hanwell.nh.ca/wp-content/uploads/2022/07/By-Law-02-2014-Remuneration-of-Mayor-and-Councillors-adopted-May-18-22.pdf>. Specifically 5b should read : b) The per diem for Mayor, Deputy Mayor, and councillors for missing salary from regular employment shall be \$300.00 when authorized by Council. Frankly, I like it as it was read. Just because I am employed and make \$300/day shouldn't make it so I get paid the \$300 and an under employed/unemployed, or retired person should get less for the same day's work. It simply isn't fair in my eyes and I would of added it to the debate otherwise. I would have to review all our work to see what other changes if anything else were done. I don't believe legally and by Roberts Rules we can arbitrarily change what was the official motion. If we want to change them, we have to re-read the motion. We could all agree, however the only way to agree to legally make changes is by an updated motion. Until then, the original motion as read should be the law.

We can't change or make up changes after the fact. Words matter. If I am wrong, please let me know but I am sure this can't be legal that words can arbitrarily be changed after the motion after the fact. Do we do this a lot? How far back do our recordings go? Should we do an audit? Like a list of other arbitrarily changed motions/laws/policies?



By-Law # 02-2014 (Amendments) *not official By-Law.*

**A By-Law Respecting the Remuneration of Mayor and Councillors**

Pursuant to subsection 10(2) of the *Local Governance Act*, S.N.B., 2017 c.18, amendments thereto and regulations adopted thereunder, the Council of the rural community of Hanwell hereby enacts as follows:

2. REMUNERATIONS TO COUNCIL MEMBERS:  
As of January 1, 2022:
  - (a) The annual salary of the Mayor will be \$19,552.55
  - (b) The annual salary of the Deputy Mayor will be \$13,848.98
  - (c) Then annual salary of the Councillors will be \$12,001.42
  - (d) The salaries shall be paid in equal monthly installments.
  
5. Expense Reimbursement (AMENDED April 20, 2022)
  - (a) Outside of rural community regular business, any councillor designated as a delegate, or any kind of representative authorized by Council shall have lodging reimbursed in accordance with the invoice or receipt brought back by the Council member. In addition, he or she shall be reimbursed for travel expenses at the current Provincial rate per kilometer, when authorized by Council.
  - (b) The per diem for Mayor, Deputy Mayor, and councillors for missing salary from regular employment shall be up to \$300.00 when authorized by Council.
  
6. ATTENDANCE (AMENDED April 20, 2022)
  - (a) Absences shall not be considered as having a valid excuse unless
    - i. They are approved in advance or at the next Regular Meeting of Council, and
    - ii. Notice must be provided to the Clerk.
  - (b) Per section 50(1)(g) of the *Local Governance Act*, if any member of Council or the Mayor is either:

- i. absent from local government by not attending any meetings, or participating in interactions with the rest of council for more than two months at a time, or
- ii. absent from four or more consecutive regular meetings of council

without either having an illness or prior approval of council, then that person shall be removed from office and the seat shall be declared vacant.

- (c) Council members must attend a minimum of 80% of rural community Council meetings unless they have a valid excuse approved by the majority of Council. Any member who attends less than 80% of regular meetings of Council over a 12-month period (including crossing a calendar year) shall be penalized by having an amount equal to the percentage of absences deducted from his or her salary for the remainder of the current calendar year. (Added April 20, 2022)

7. AMOUNTS OWING (Added April 20, 2022)

- a) Any newly elected (or re-elected) Mayor or member of Council that has any amount owing to the rural community (as an example, but not limited to: outstanding fines, expensed items, loans, rental fees, and/or other expenses) must pay the owed amounts to the rural community prior to being awarded payment of their remuneration.
- b) If the amount owed is not repaid, the monthly remuneration will instead be given to the rural community, for as many months as required until all owed expenses are paid in full.

8. ELECTION (Added April 20, 2022)

- a) If there are any called meetings or mandatory training for mayor-elect or councillors-elect after an election, but prior to the first meeting of the new council they will be paid \$100.00 per day of meetings attended.

This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By Title)	November 10, 2021
SECOND READING: (By title)	_____
THIRD READING AND ENACTMENT: (By title)	_____

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## By-Law # 02-2014

### A By-Law Respecting the Remuneration of Mayor and Councillors

Pursuant to subsection 10(2) of the *Local Governance Act*, S.N.B., 2017 c.18, amendments thereto and regulations adopted thereunder, the Council of the rural community of Hanwell hereby enacts as follows:

#### 1. TITLE:

This By-Law may be cited as the "Remuneration By-Law"

#### 2. REMUNERATIONS TO COUNCIL MEMBERS

As of January 1, 2022:

- (a) The annual salary of the Mayor will be \$19,552.55
- (b) The annual salary of the Deputy Mayor will be \$13,848.98
- (c) The annual salary of the Councillors will be \$12,001.42
- (d) The salaries shall be paid in equal monthly installments.

#### 3. REPEALED (December 31, 2018)

#### 4. ANNUAL ADJUSTMENT

- (a) On the first day of January 2018 and in each and every year thereafter, the salaries, by resolution of Council, will be adjusted by an annual amount equal to the average increase in the Consumer Price Index (CPI) for New Brunswick plus 2%, recorded for the immediately preceding calendar year.
- (b) With the Federal repeal of the 1/3 income of non-taxable allowance for municipal officers, a one-time salary adjustment outside of that as specified in section 4(a) shall be allowed, to be instated as an addition to the base salary as of January 1, 2019. The salary adjustment being an additional 10% to the base salary.

#### 5. EXPENSE REIMBURSEMENT

- a) Outside of rural community regular business, any councillor designated as a delegate or any kind of representative authorized by Council shall have lodging reimbursed in accordance with the invoice or receipt brought back by the Council member. In addition, he or she shall be reimbursed for travel expenses at the current Provincial rate per kilometer, when authorized by Council.

- b) The per diem for Mayor, Deputy Mayor, and councillors for missing salary from regular employment shall be \$300.00 when authorized by Council.

## 6. ATTENDANCE

- a) Absences shall not be considered as having a valid excuse unless:
  - i. They are approved in advance or at the next Regular Meeting of Council, and
  - ii. Notice must be provided to the Clerk.
- b) Per section 50(1)(g) of the Local Governance Act, if any member of Council or the Mayor is either:
  - i. absent from local government by not attending any meetings, or participating in interactions with the rest of council for more than two months at a time, or
  - ii. absent from four or more consecutive regular meetings of councilwithout either having an illness or prior approval of council, then that person shall be removed from office and the seat shall be declared vacant.
- c) Council members must attend a minimum of 80% of rural community Council meetings unless they have a valid excuse approved by the majority of Council. Any member who attends less than 80% of regular meetings of Council over a 12-month period (including crossing a calendar year) shall be penalized by having an amount equal to the percentage of absences deducted from his or her salary for the remainder of the current calendar year.

## 7. AMOUNTS OWING

- a) Any newly elected (or re-elected) Mayor or member of Council that has any amount owing to the rural community (as an example, but not limited to: outstanding fines, expensed items, loans, rental fees, and/or other expenses) must pay the owed amounts to the rural community prior to being awarded payment of their remuneration.
- b) If the amount owed is not repaid, the monthly remuneration will instead be given to the rural community, for as many months as required until all owed expenses are paid in full.

## 8. ELECTION

- a) If there are any called meetings or mandatory training for mayor-elect or councillors-elect after an election, but prior to the first meeting of the new council they will be paid \$100.00 per day of meetings attended.



This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By Title)	November 10, 2021
SECOND READING: (In summary and by title)	_____
THIRD READING AND ENACTMENT: (By title)	_____
Amended:	February 15, 2018
AMENDED:	February 20, 2019
AMENDED:	_____

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Sections 10, 12c, 12e, 12f, 12g, 13a

Sherri Johnston  
To: Pat Septon: Mayor, Council & Staff 2021-2025

  
Tue 7/12/2022 1:12 PM

Councillor Septon,

I will assure you the changes were NOT intentional. I'm not sure what the benefit to myself would have been to make said changes. The changes per your email were made. When I went to check the by-law I noted that there were two copies of the by-law. The wrong one was printed and signed. I have since checked all by-laws and removed all older versions. It was a clerical error whether you choose to believe that or not.

Sherri

...

Pat Septon  
To: Mayor, Council & Staff 2021-2025

  
Tue 7/12/2022 2:44 PM

I am not interested in a he said she said.

Please see thread below. The changes to the by-law seems intentional.

I shared what I thought was not in it expecting it to be brought up the next council session.

-p

Pat Septon - he/him  
Hanwell Councillor at Large

Section 11e, 12c



Pat Septon - Hanwell Councillor at Large

July 25, 2022 · 🌐

...

July 2022 Council Meeting.

Please see the minutes and listen to our Council meeting. <https://youtu.be/0-wOgkWy0.8>

One issue I was passionate about was Councillor Hyslop's motion for a safe trail for our children, so we can have a crosswalk (as directed by Minister of Transportation Jill Green) for our children and families as school opens.

As it turned out, debate was limited to one comment per Councillor. Had I have known the council process would change (first time this was done) for this session of council, I wouldn't have tried to address the 1 issue but express my argument for having a safe means for our children. I happen to disagree with my colleagues who voted negative on this issue and would have loved to debate the merits of their arguments. But, this is now a Council decision, in such, it is so. If you care to listen to just that debate, it starts at min 34.

Sections 11f, 12e, 12g, 13a



Pat Septon

September 7, 2022 · 🌐

It really really boils my onions that the Principal of [Haswell Park Academy](#) didn't want nor think it was needed to have a path, sidewalk, trail from the [Haswell Rec centre](#) to the school so we could get a chance at a crosswalk on the 640, and recommend to our leadership not to build it. But then has a place to lock bikes up at the school! How in the bloody hell does he think the kids are going to cross the 640 to get their bikes there! This morning in a one drive by, 2 people walking, 1 parent walking home and one 10yr old by themselves. A Parent shared this with me this morning! Their blood is boiling too!

Sections 12f, 13a

Pat Septon

To: Mayor, Council &amp; Staff 2021-2025

  
Thu 9/8/2022 7:02 AM

Good Morning,

I couldn't sleep again last night. I believe only 2 items on last night's closed session were warranted to be closed session. However talking about: how we want to proceed (not contracts) with Garbage collection, with Snow removal and Recycling was not warranted to be added. More over for us Councilors (I assume only someone of us) not even being aware what the subject matter would be in any way. No documentation, no time to read up, no time to consult with constituents. Being told it was for budgets, when this wouldn't have solidified any budget.

Plus this is of significant public interest, and in the dark of night, we made choices without any public notice or time for public input! Council has chosen to care only about parks, garbage, lights, churches and in the dark of night, we took the public debate away of one of them.

This is why the public doesn't trust us, it is why I don't trust us.

As normal, I don't expect recourse or you to care. But for the record, I formally recommend an external review of last night's procedures as I feel it is just wrong.

Pat



Pat Septon - Hamwell Councillor at Large

November 4, 2022 · 🌐

... Section 11f, 12c

UPDATE! It seems the Councillor who was going to bring this forward has changed their mind. Thank you all for taking an interest, I have received many calls and messages. Thank you. That said, I still think in my humble opinion need ALL meetings recorded.

HANWELL- KINGSCLEAR: Important!

I have just been informed that there will be a motion to stop recording Council Sessions, and will be supported by at least 2 council Members. I am working hard to try to get more OPENNESS and TRANSPARENCY in Hamwell. I think EVERY MEETING OF COUNCIL must be recorded for public consumption and if you agree, I NEED YOUR HELP! The motion as I am told will be to stop publishing IMMEDIATELY, meaning even there is an attempt to stop that nights session from being public unless you are personally there!

Please help me convince members of Council to NOT LET THIS HAPPEN, but to also demand ALL COUNCIL MEETINGS will be recorded except where legally required in closed session.

We have no right to privacy in our votes or decision making process and you should be afforded the right to see how we come to our decision. We are spending MILLIONS of your TAX DOLLARS! Please get involved! Or at the very least, have a method to see where we are on issues when it is convenient to you and your family!

CLERK

Terri Parker

clerk@hanwell.nb.ca

Mayor

Dave Morrison

Office: 460-1177, ext. 4

Direct: 262-9799

Email: dmorrison@hanwell.nb.ca

Deputy Mayor

Clara French AMHed 35

Sections 10, 12c, 12e, 12g, 13a

Pat Septon  
To: Dave Merrison  
Cc: Mayor, Council & Staff 2021-2025

  
Sat 15/5/2022 4:34 PM

Your Worship,

Thank you for at least letting me know this time around.

Had you simply asked for a favour, I probably would have taken it down for you. Threatening me with a code of conduct shouldn't always be the way to use your office. However, unlike my last job, I let my current employer know what I am going through and they have my back. In such, while your actions may have cost me my job last time, it won't happen this time.

I recall learning that as long as you tell the truth, nothing bad can happen to you. I found out speaking the truth here isn't so. What I posted is not misleading. I suggest you re-read what was going to happen, then read my post. I believe strongly in engaging my constituents, and I think they being engaged is righteous.

Be aware, any action taken against me will be public, if any action is taken, please ensure you do it correctly this time around, as it will be brought higher.

Pat

Section 10, 12c, 12e, 12g, 13a

Pat Septon

To: Mayor, Council &amp; Staff 2021-2025

Sat 12/3/2022 11:16 AM

Hello Council,

<https://hanwellrb.ca/wp-content/uploads/2022/12/Agenda-December-6-2022-Special-Meeting.pdf>

1. What is that meeting about? I was looking up some other information this morning, and this is the first I am hearing of this? I know that mistakes tend to happen that are not in my favour, often, but why am I not invited to this or know about it? I know because of the audio recording that my code of conduct was over 1.5 hrs long as it was after 5pm. But I didn't hear a single vote on it, is this a continuation on that? Or is it something else? Am I the only one who didn't know about this or is it everyone?
2. If it is a code of conduct about me, I will be in attendance. I will be inviting media and people so please ensure there is room for the public portion. If it is the code of conduct about me, I will recuse myself if it is in closed session as I said prior as it is a conflict. More over I don't trust you to not hold what I hear in that meeting to be in violation stopping me from whistleblowing. But I will be making a statement during the public portion of the debate and I will vote.
3. This is neither a HR matter nor collective agreement. Code of Conduct investigations are not grounds for closed door sessions as was ruled by other communities. I will be releasing every document I have, and in such, I desire that it is open session as you let the community know of my actions. It is very much in the public interest. I don't know if you are going to find me guilty or not guilty, either way, Dec 6 or the next council session this is going to be public.
4. I will have a motion next council meeting that I want the provincial government to investigate our actions. I won't need that if you are already going to do it via a 3rd party. All actions since January 2022, mine included, I have no faith in this this process.
5. I didn't cause this. You did. What happens next is not on me, its on you.

Pat



Sections 11d, 11e, 11a, 11c



Pat Septon - Hanwell Councillor at Large

December 5, 2022 · 🌐

...

Hanwell. On Nov 10, I was served with papers from the Mayor and Deputy Mayor, of Hanwell via the Clerks office that because of complaints brought on by all Councillors and some staff, except Councillor Hyslop, and after investigating it has been determined that there are 26 violations to the code of conduct.

Council has met on Nov 18 to discuss this, as well as Nov 28. I have just been informed what the December 6 at 7:30pm, 2022 is a continuation of my code of conduct.

<https://hanwell.nb.ca/.../Agenda-December-6-2022-Special...>

I believe that these code of conduct violations against me are of the public interest, and we should have people and media at this meeting to review them for the people of Hanwell.

The meeting would arguably be in closed session first, then public where I will be making a statement on the record about the charges and the proceedings. I am asking for as many people to attend as possible. I was threatened by the Mayor via email with it for me sharing that there was a pending motion coming to stop recording all council sessions effective immediately. When I refused to take the post down, as it is factual sure enough.

A pile more punitive code of conducts shown up after. I can answer questions while they (the remainder of Council) are in closed session.

(RTIPPA the following items as my proof of this action).

1. Admin Session Dated Nov 4, 2022
2. Pat Septon Councillor at Large Facebook Post Dated Nov 5, 2022

Items and people in my code of conduct against me include the Principal of Hanwell Park Academy and a trail, Citizen Mr. Robichaud (he maybe in attendance) sharing information with the public they deemed shouldn't of been (I do not), the Solar panel installation, processes of Council, garbage contracts as well as a budget issue.

I can't be the only one wanting openness and transparency. If you are interested in going, please let the Clerk know [clerk@hanwell.nb.ca](mailto:clerk@hanwell.nb.ca) so she can help assist with accommodations.

To be clear I do not know how Council will vote on this, however the process itself is of grave concern. Either we get some oversight by you, the government, or January I resign. I will not take questions until that night, but I give full permission for the Clerk's office and the Mayor to share anything they deem warranted.

I will accept a full throat-ed apology, or community involvement.

Regards

Pat

Sections 11d, 11a, 11c



Pat Septon - Hanwell Councillor at Large

December 6, 2022 · 🌐

...

Further to my code of conduct that is about to take place. Please see all the documents. 1. Is my statement I will be making tonight. They are in closed session now. I showed up and the process seemed flawed. I was to speak after I was convicted.

I've never seen so many people show up to a meeting. To the community I'm humbled and thankful.

This is me whistle blowing. Something is wrong. Btw I can call myself the king of Spain, it doesn't mean I am. This isn't a code of conduct its a sham.

Sections 16a, 16c



Pat Septon - Hanwell Councillor at Large

December 18, 2022 · 0

...

ATTENTION: I just received another code of conduct by this Mayor. Couldn't even give a guy a break for the holidays, after the last sham code of conduct.

I taught several courses in leadership in my day, and one of the things I taught was the difference between a good command and a bad command. The past few weeks have been a plethora of bad commands by this Council. Both legally and ethically. No government in Canada should or could have the ability to seize a social media account or email from an elected official. These are actions you hear about in Russia or China. We on council are not part of a party, or a caucus and are not afforded rights to have to follow dear leader. We are our own opposition and governing body.

This action against me AGAIN is yet further evidence of a power grab to ensure no dissent. It has major ramifications not only now, but on future council's coming. A Councillor should have the complete freedom to engage with their constituents to inform them. This council is doing everything they can to stop this, and I believe they somehow believe they have the rights to squash and stomp on charter rights.

I believe when a vote is done, it is done, and I have always followed the rule of never bringing it up again. However, the prior sham code of conduct brings these subjects up. It was they who brought those issues forward and I will defend myself.

The PEOPLE have the right to not vote me in, but Council has no right to stop me from engaging with one's constituents.

We have a council session Dec 21, 2022 and it will be dealt with in Closed session and I will of course excuse myself while yet another sham code of conduct is presented. I am already docked 6 months pay, for sharing facts. Will I be allowed to blow out my birthday candles? Who knows with this crew. I am not asking anyone to show up, enjoy your holidays. But in January, it is time to act, or accept this is ok! I do not and cannot serve in an environment with these unethical actions. Join me in the new year to address it if you agree.

Sections 16a, 16c

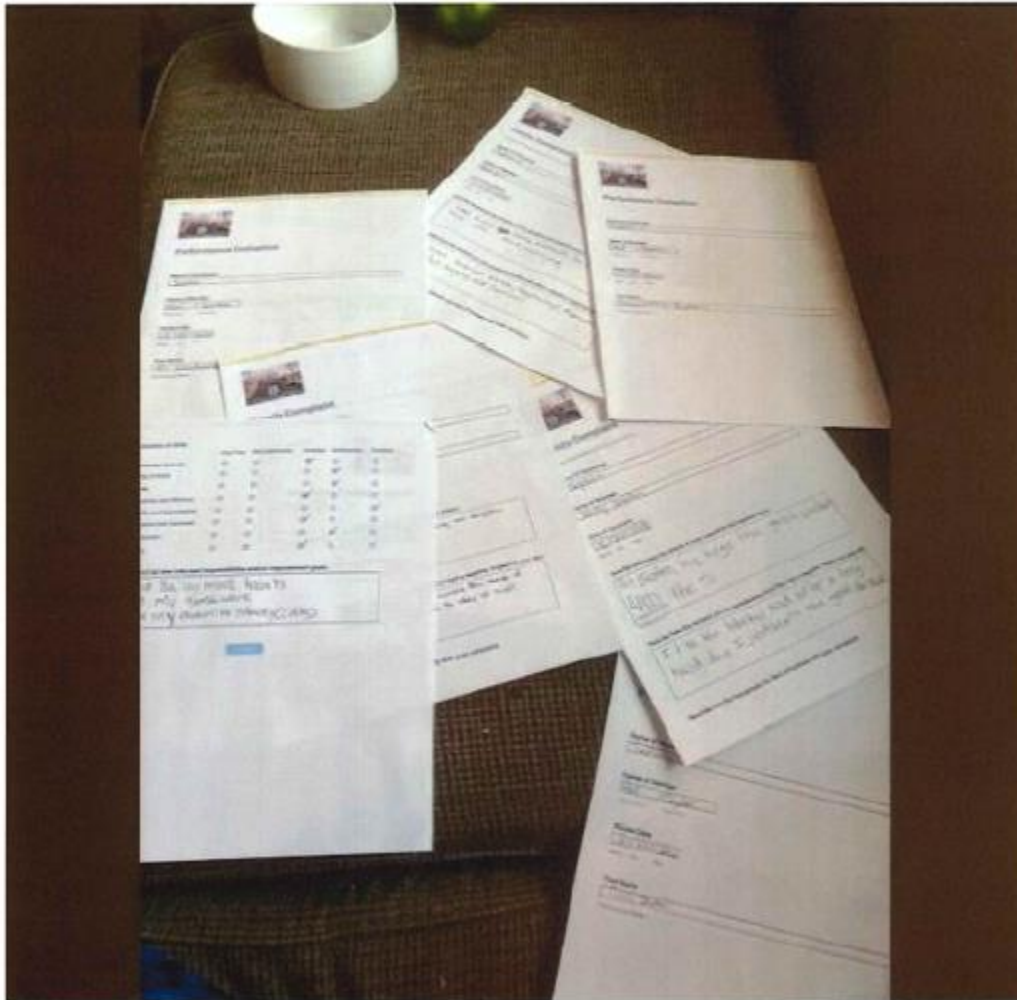


Pat Septon - Hanwell Councillor at Large


December 25, 2022 · 🌐

...

For Christmas my family gave me a pile of code of conducts. They are as funny as they can be. I wish everyone as happy a holidays as our house. Happy holidays.



## Sections 11f

 January 4 at 7:31 PM · 🌐

Yup, another threat and more dealings due to my sham code of conduct. As promised, Either you the public care, or you don't! I will have 2 speeches prepared for the January Council meeting. It is up to you to decide which one I read. You care and I care, You don't, then what am I fighting for?

My response to the Mayor and Council.

Your Worship,

You forgot to add the future councillors who will be dealing with this crap. I added them.

When I served, I had the privilege to teach the military future leaders courses on the QR&O's. (Queen's Regulations and Orders, essentially Military law). It wasn't taught to leaders/future leaders because we wanted the laws weaponized, or so that leaders can try to use the laws against people. We taught them so that soldiers who's job it is to follow orders can differentiate between a good command and a bad command. Even soldiers had to have the autonomy to make informed choices, and act accordingly. Even a soldier can ignore commands if they are unlawful. We can't be Russia and must hold ourselves to a higher standard.

There are a lot of provably bad commands in the Code of Conduct given. They will be addressed as we go on. However, when it comes to you controlling my social media, where I am both as my role of Councillor Governing body and Opposition, it would seem you figure you have the power to eliminate one of those positions, when it comes to communicating with my constituents. No other governing body would dare do this, or our MLA would have been forced to a long time ago. There are other legal issues, but frankly that is the biggest one I care about. The 2 new councillors should care about it too, or they can imagine a day where it could be possible that 6 Hanwell councillors "gang up" against the 2 Kingsclear councillors. Simply it's not how it is done. There is no way, on top of other legal issues you have the authority to do so. Leadership's and the CAO's understanding of this situation is an extremely dangerous precedent. Who are you to determine your opinion (collective or otherwise) is superior to mine, more over, which court will side with you?

I have no obligation, nor shall there be any expectation of the bad commands being followed. Only by court order or by a meeting with lawyers (me meeting with our Council's lawyers as well as you) will I abide by this command.

However, if you can share with all of us 1 single legal document of the rules you followed to get to this unprecedented action, I will comply. Any of you who voted for this action, please point to it. Governing is about rules, so, show me them. We are not a 1800's monarch, and we don't have the authority to not follow or make up rules as we go. We pass legal and constitutional laws and don't have the authority to make them up on the fly without documentation. Even then, they can and should be challenged to determine if they are good commands or bad.

All I asked, is if you are going to come at me, do it legally, this time. This too will be public, as I promised.

Pat

Section 10, 12c, 12e, 12g, 13a

Pat Septon

To: Dave Morrison

Cc: Darren Mackenzie; Holly Hyslop; Sherri Johnston; Susan Jonah; Tim Fox; Terri Parker; Debby Pede; Lee Crouse



Thu 1/3/2025 9:26 AM

Good Morning Council, Council Elect,

I promise this will be the last email on the subject. Today is about swearing in the new councillors, but I couldn't sleep last night due to this sentence shared by the mayor in that letter:

You may feel that we have a "sham of a Code of Conduct" however, it is Council's duty to enforce Hanwell's by-laws and it is the duty of each Councillor to abide by them.

Where did you do this when it came to OUR bi-law regarding to the code of conduct? You are ok with ignoring it in that situation, but this, me ignoring an illegal and unethical order is too much?

Thank you for this letter.

Pat

## Section 11e



Pat Septon - Hanwell Councillor at Large

January 5 at 8:47 AM · 🌐

...

Last night I couldn't sleep, and figured out why at 4am.

It was this sentence "You may feel that we have a 'sham of a Code of Conduct' however, it is Council's duty to enforce Hanwell's by-laws and it is the duty of each Councillor to abide by them."

During this entire process we didn't follow our own code of conduct By-Law AT ALL! Instead they made rules up that couldn't be found in any manuals. They stated they didn't have to follow the By-Law because it was "informal" (with exceptionally formal consequences). However the Mayor, - Leadership & CAC believe I should abide to this because that is the rules!

This right here is the reason I am fighting. Council can no longer be an old boys club of random rules and orders. Hiding from the public, doing what they/we want without accountability, spending millions of our tax dollars willy nilly, expecting not to be questioned. Questions even by me, a representative who is hired (though no longer paid) to be nose in, fingers out.

Pat

Pat Septon

To: Dave Morrison

Cc: Terri Parker; Mayor, Council & Staff 2021-2025; Daniel.Allen@gnb.ca

📧 🔄 📧 📧 📧

Thu 1/12/2023 10:41 AM

Section 10, 12e, 12e(?) 12g, 13a

To this day, only Councillor Hyslop and now Councillor Peck ever talked to me to understand my point of view. Period. Think of all you've done to me that was wrong, and never accepted it was possible you were wrong. All the meetings about me but never to help me. As if owning pat is the only goal. Including this email about me rather than have a fair conversation with me. I never once started these issues, you find them aKD come ant me for it. I always let it go after the vote. Always.

You attack me with a sham code of conduct then call me being unfair for defending myself. I didn't start this, but I was clear if you did, I would defend myself. You email and insinuate we were leaking confidential information regarding payroll. I called and found out it had nothing to do with a Councillor. I since googled and it is clear what CAOs get paid, and reading the agenda who.

On Dec 19 you voted to have a H-R rep and I relaxed. I Told people there's a way forward. Then you send 3 letters of reprimand instead of having the HR person do their job.

I told you I will defend myself if you come at me, and not follow rules. I honestly don't even know how you were able to circumvent NB labour laws but we will find out. Zero pay for 6 months, how on earth did anyone think it's legal to do that? I am an employee of the municipality. It is clear, and was clear by Jill we are in fact employees. You also can't control my social media but time will show that.

If you want this to stop, it's easy. Stop attacking me and weaponizing the code of conduct, and making rules up to justify it. Be open to the public. Own your part in this. You don't have to agree with me, but I have a right to engage my constituents. To have an opinion contrary to yours. My opinion isn't superior to yours but yours isn't to mine. As a government official said (whom will be in contact I imagine) it's clear people need to be less sensitive.

I didn't start this, you fellows attacked me, Councillor Hyslop's statement was clear on the issue of process. I didn't want this either! I can't stop it. Only you guys can. I don't trust us because when it comes to me at least we don't follow rules. We skirt other rules. The public is seeing that, and to be clear I ask nothing of you or them. I trust the public, even those who disagree with me.

I received RTIPPA's from 4 different agencies and will continue to defend myself. If you are right your RTIPPAS people are requesting will prove you right.

I am willing to drop everything when you are. Under the understanding no one will keep a file on me or our citizens going forward and you will not weaponize the code of conduct. You have a right to be offended, upset, not happy but you do not have the right to force your will on me. You let me be me and I let you be you.

Just my 2 cents. But I imagine my answer isn't what you are asking.

Pat





February 7, 2023

Pat Septon  
54 Somerset Drive  
Hanwell, NB  
E3C 1M8

Re: Confidential (Formal Complaint- Code of Conduct)

Dear Councillor Septon,

On January 12, 2023 the Clerk (CAO's) office received a formal complaint against yourself in regards to unprofessional behaviour, both online as a representative of Council, and in internal communications.

After reviewing the complaint and relevant By-Laws and Policy, I as the Clerk (CAO), contacted the complainant on January 27<sup>th</sup> stating that as per our Conflict and Complaint Resolution Procedure Policy #2022-08 under the Formal Complaint section 2(b)(i) *it states that the complaint should include a detailed description of the facts, as they are known which give rise to the allegation.*

Since receiving the detailed description of emails and social media posts and reviewing the matter further in accordance with our Code of Conduct for Council By-Law #16-2019, I have concluded that there are sufficient grounds outlined to move forward with an independent investigation. In our Conflict and Complaint Resolution Procedure Policy #2022-08 under section 2(b)(v)(a) *if it is determined that a complaint shall be investigated, the Clerk (CAO) shall appoint an outside investigator to conduct an independent investigation and the respondent shall be notified of such complaint.*

Under my authority, I have asked a third party investigator to conduct an independent investigation. If you disagree with my decision to move forward with this investigation through a third party investigator, you can file a letter of appeal with the Mayor and/or Deputy Mayor and this item will be placed on the agenda at the next meeting of Council under closed session and Council shall determine the validity of the complaint and if the third party investigator should continue the investigation.

5 Nature Park Drive, Hanwell, NB E3E0G7  
506-466-1177  
[www.Hanwell.nb.ca](http://www.Hanwell.nb.ca)

If you choose to appeal, I ask that you advise the Mayor and/or Deputy Mayor by Friday February 10, 2023 so that it could be added to the agenda.

If you are not appealing this decision kindly advise my office. The investigator must report back to the Clerk (CAO) within 30 days of receiving the complaint, which would be March 9<sup>th</sup>, 2023.

The investigator, will speak to both parties and any others that may be named in the complaint, and I will let him know that you will not be available between March 1- 17<sup>th</sup> but will provide him with your email address so that he can be in contact with you beforehand.

The investigator will be Rolie King, Senior Advisor at McAdvisory.com

At this time, Councillor Septon this is completely confidential and the whole of council are not aware of it unless you want it added to the agenda to overrule my decision.

If you have any questions, please contact me.

Sincerely,



Terri L Parker  
CAO/Treasurer

## APPENDIX B



### By-Law No. 16-2019

#### A By-Law Establishing the Code of Conduct for Council

Pursuant to subsection 10(2)(b) of the *Local Governance Act*, SNB 2017, c.18, amendments thereto and regulations adopted thereunder, the Council of the Rural Community of Hanwell hereby enacts as follows:

#### 1. TITLE

This By-Law may be referred to as the "Code of Conduct By-Law".

#### 2. PURPOSE

The Rural Community of Hanwell Code of Conduct has four main purposes:

- a) To set out clear expectations of behaviour of members of Council;
- b) To provide information to the public as to the behaviour they can expect from members of Council;
- c) To provide guidance to members of Council in how they conduct their duties as council members; and
- d) To provide a process for responding to alleged breaches of the Code.

#### 3. DEFINITIONS (AMENDED May 18, 2022)

For the purposes of this By-Law:

"Act" means the *Local Governance Act* (SNB 2017, c 18) and amendments. (Added May 18, 2022)

"Community" means the Rural Community of Hanwell.

"Community Resources" includes but is not limited to all real and personal property, vehicles, facilities, equipment, supplies, services, documents, and computer programs belonging to the community.

"Complainant" means the party who makes the complaint. (Added May 18, 2022)

"Members of Council" means a member of Council and includes the Mayor, Deputy Mayor and Councillors, and may be referred to as "members" herein.

"Respondent" means the person who has had a complaint made against them. (Added May 18, 2022)

"RTIPPA" means the *Right to Information and Privacy Protection Act*, c.R-10.6 and assorted regulations as amended.

"Social Media" means web-based applications such as Facebook, Twitter, etc. and on-line forums that allow users to interact, share, and publish content such as photographs, text, audio and video.

"Staff" means the Clerk and/or an employee or employees who work for the community as a corporate body and are under the direction of the Clerk.

#### 4. DUTY OF COUNCIL

Members of Council are held to a high standard as leaders of the community and as such, they are expected to be well informed on all aspects of municipal governance, administration, planning, and operations. They need to carry out their duties in a fair, impartial, transparent, and professional manner.

#### 5. RESPONSIBILITIES

This Code applies to all members of Council. It is the responsibility of council to be aware of and comply with the Code of Conduct.

- a) Members of Council will conduct their duties with integrity, accountability, and transparency.
- b) Members of Council are to act honestly, with reasonable care, and exercise due diligence in the performance and discharge of official functions and duties.
- c) Members of Council understand that the public has a right to transparency in decision making.
- d) Members of Council will at all times serve the interests of the community in a conscientious and diligent manner.
- e) Members of Council will avoid the improper use of the influence of their office.
- f) Members of Council shall not attempt to influence or interfere with employees, officers, or other persons performing duties, either directly or indirectly, financially, politically, or otherwise, under the *Provincial Offences Procedure Act*, SNB 1987, c P-22.1.

## 6. CONFIDENTIALITY

Every Council member must hold in strict confidence all information of a confidential nature acquired in the course of his/her term with the community. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- a) Using confidential information, which is not available to the general public, and to which members of Council have access by reason of his/her position with the community to further his/her personal interests or the interests of others.
- b) To disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the "Closed Session" deliberations to anyone, unless expressly authorized by Council or required by-law to do so.
- c) To disclose to unauthorized persons confidential information to which the member of Council has access by reason of his/her position as a member of Council within the Community.
- d) Council shall comply with the RTIPPA at all times. Public comments, discussions, and disclosures to the media regarding employees of individuals that breach a person's privacy, is deemed to be contrary to this Code of Conduct.

## 7. CONFLICT OF INTEREST

Conflict of Interest shall be governed by the community's "By-Law Respecting the Proceedings of Council and Administration", #01-2014.

## 8. CONDUCT AT COUNCIL/COMMITTEE MEETINGS (AMENDED May 18, 2022)

Members of Council must conduct themselves with decorum at all Council and committee meetings in accordance with the provisions of the Procedural By-Law and this Code of Conduct.

Any member of Council found to be out of order may be asked to leave the meeting and further suspensions may occur. (ADDED May 18, 2022)

## 9. RESPECT FOR DECISION-MAKING PROCESS

Members of Council must not attempt to influence the decision-making process as it relates to the award of contracts or settlement of claims through personal contact or interaction with the parties administering or directly involved in the process.

## 10. RESPECTFUL WORKPLACE

All members of Council have a duty to treat members of the public, one another, and staff with respect and without abuse, bullying, or intimidation, and to ensure that their

work environment is free from discrimination and harassment. Members of Council must ensure compliance with the New Brunswick Human Rights Commission and WorkSafe NB.

#### **11. COMMUNICATING ON BEHALF OF THE COMMUNITY**

- a) A member must not claim to speak on behalf of Council unless is authorized to do so.
- b) Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- c) A member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the member personally disagrees with Council's position.
- d) Members must keep in mind that they are always a representative of the Rural Community of Hanwell, including when engaging in social media activities, and Members are encouraged to identify when views expressed are theirs alone and not official municipal communication.
- e) No member of Council shall make a statement when they know that statement to be false.
- f) No member shall make a statement with the intent to mislead Council or members of the public.

#### **12. CONDUCT RESPECTING STAFF/COUNCIL (AMENDED May 18, 2022)**

- a) Members of Council as a whole have the authority to approve budget, policy, committee processes, and other such matters.
- b) Staff serves the Council as a whole and the combined interests of all members as evidenced through the decisions of Council.
- c) No member of Council shall maliciously or falsely harm the professional or ethical reputation or the prospects of staff or other members of Council.
- d) No member of Council shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing such activities.
- e) Council shall not use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with intent of interfering with the person's duties including the duty to disclose improper activity.

- f) Members shall respect the role of staff as a corporate body who are charged with making recommendations that reflect their professional expertise and a corporate perspective, providing advice and analyses, implementing Council decisions, and carrying out their daily responsibilities as required under the *Local Governance Act*, and that staff are expected to do so without undue influence from any member or group of members.
- g) Members of Council are not to use indecent, abusive, bullying, harassing, or insulting words or expressions toward another member, any staff of the community, or any member of the public.

### 13. INTERPERSONAL BEHAVIOUR

- a) Treat every person with dignity, understanding and respect:

Members of Council shall abide by the provisions of the *Human Rights Act* and, in doing so, shall treat every person including other members of Council, committees, boards, municipal staff, individuals providing services on a contract basis, and the public with dignity, understanding, and respect. Everyone has the right to an environment free from harassment and discrimination.

- b) Discrimination:

Members of Council shall not discriminate against anyone on the basis of their age, marital status, family status, creed or religion, physical disability, mental disability, race, colour, ancestry, place of origin, national origin, social condition, political belief or activity, sexual orientation, gender identity or expression, and sex (including pregnancy).

- c) Harassment:

In accordance with the *Human Rights Act*, harassment shall mean engaging in vexatious comment or conduct that is known or ought to have been known to be unwelcome. Without limiting the generality of the foregoing, members of Council shall not:

- Make racial, homophobic, sexist or ethnic slurs;
- Display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- Make leering (suggestive staring) or other offensive gestures;
- Make written or verbal abuse threats;
- Vandalize the personal property of others;
- Commit physical or sexual assault;

- Make unwelcome remarks, jokes, innuendos or taunting statements about a person's physical appearance, age, marital status, family status, creed or religion, physical disability, mental disability, race, colour, ancestry, place of origin, national origin, social condition, political belief or activity, sexual orientation, gender identity or expression, and sex (including pregnancy);
- Make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- Refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offenses, marital status, same-sex partnership status, family status or disability;
- Make unnecessary or unwanted physical contact, including touching, patting, or pinching; and
- Demand sexual favours or requests.

#### 14. GIFTS, BENEFITS, AND HOSPITALITY

Members of Council are expected to represent the public and the interests of the community and to do so both impartially and objectively. The acceptance of a gift, benefit or hospitality can imply favoritism, bias, or influence. There are times when the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official. Members of Council shall not accept gifts that would appear to be in gratitude for influence or to induce influence.

Members of Council are not precluded from accepting the following:

- a) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee for speaking at an event or for representing the community at an event;
- b) A political contribution under the *Municipal Elections Act*;
- c) Food and beverages at meetings, banquets, receptions ceremonies or similar events;
- d) Food, lodging, transportation and entertainment provided by other levels of government, by other local government or by local government boards or commissions;



- e) A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred in the performance of office;
- g) Reimbursement of reasonable expenses incurred, and honorariums received in the performance of activities connected with municipal associations;
- h) Communications to the offices of a member, including subscriptions to newspapers and periodicals; or
- i) Gifts of a nominal value, (e.g. baseball cap, t-shirt, flash drive, book, etc.).

The stipend paid to each member of Council is intended to fully remunerate members of Council for service to the community.

#### **15. USE OF LOCAL GOVERNMENT PROPERTY, RESOURCES AND SERVICES**

- a) No member of Council shall make use of, or permit the use of, any premises owned by the Rural Community of Hanwell, staff, or other resources (computers, net works, websites, social media) other than for carrying out the business of the Rural Community of Hanwell.
- b) Members of Council shall avoid waste and extravagance in the provision or use of the Rural Community of Hanwell's resources or property.
- c) Members of Council shall not use the facilities, equipment, supplies, services, or other resources of the Rural Community of Hanwell for any election campaign or campaign-related activities on community property.

#### **16. USE OF SOCIAL MEDIA (ADDED May 18, 2022)**

- a) Once posted on social media, any material or comment is accessible to anyone with an internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the Rural Community of Hanwell, members should act with discretion and be judicious in what material they post on social media. As with any other communication, members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become inflamed very quickly.
- b) No member shall attempt to disguise or mislead as to their identity or status as an elected representative of the Rural Community of Hanwell when using social media, or otherwise.

- c) No member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.
- d) Where members provide a personal view or opinion on social media, members should take steps to ensure that such personal views or opinions are not construed to be those of the Rural Community of Hanwell as a whole and/or that such personal view or opinion does not accurately reflect the decisions of Council or bring the decision-making process of Council into dispute.

#### **17. COMPLIANCE WITH THE CODE OF CONDUCT (ADDED May 18, 2022)**

- a) Members are expected to adhere to the provisions of this Code.
- b) This By-law is intended to be self-enforcing. It establishes standards of conduct for members. Members shall be thoroughly familiar with and adhere to the By-law thereby enhancing public confidence in the local government by acting with integrity, respect, accountability, leadership, collaboration, public interest, and transparency.
- c) Council does not have the authority to disqualify or remove a member from office; only a court of competent jurisdiction or the Minister of Environment and Local Government can do so. 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.
- d) Persons who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns forward. No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person who, in good faith, provides relevant information in relation to a possible violation of this Code.
- e) Any reported violations of this Code will be subject to an investigation by Council.
- f) Complaints shall be dealt with by Council in accordance with the process set out in the Conflict and Complaint Resolution Procedure Policy,

#### **18. STATEMENT OF COMMITMENT (ADDED May 18, 2022)**

Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. Members are required to sign a "Statement of Commitment to the Code of Conduct" (Schedule "A") within seven (7) calendar days of this By-Law coming into force, and then within seven (7) calendar days of taking the oath of office pursuant to Section 58 of the *Local Governance Act*.

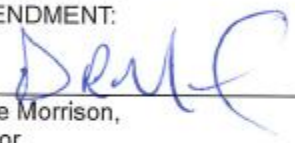
**19. SEVERABILITY (ADDED My 18, 2022)**

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**20. ENACTMENT**

In case of any conflict between this By-Law and the Act, the latter shall prevail. This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By title)	<u>November 20, 2019</u>
SECOND READING: (By title and in its entirety)	<u>November 20, 2019</u>
THIRD READING AND ENACTMENT: (By title)	<u>December 18, 2019</u>
AMENDMENT:	<u>July 15, 2020</u>
AMENDMENT:	<u>May 18, 2022</u>

  
\_\_\_\_\_  
Dave Morrison,  
Mayor



  
\_\_\_\_\_  
Terri L. Parker,  
Clerk

SCHEDULE "A"

STATEMENT OF COMMITMENT TO THE CODE OF CONDUCT OF  
MEMBERS OF COUNCIL

I, (Full Name) \_\_\_\_\_ declare that as a member of the Rural Community of Hanwell Council, I have read, support and acknowledge I am bound to follow By-Law #16-2019 "A By-Law Establishing the Code of Conduct for Council.

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

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Before me:

\_\_\_\_\_  
Clerk

## APPENDIX C



### Policy #2022-08

#### Conflict and Complaint Resolution Procedure Policy

##### Policy Objective:

To establish a procedure for Council of the Rural Community of Hanwell ("Council"), for addressing conflicts and complaints between Council members, between staff, between Council members and staff, between the public and either Council members or staff, under By-Law 16-2019, "A By-Law Establishing the Code of Conduct for Council", adopted and enacted on December 18, 2019.

##### Policy Statement:

Under Canadian administrative law, an administrative decision-maker, such as Council, has broad discretion to determine its own procedure for making decisions. Accordingly, the procedure set out below is subject to Council approval and modification as necessary.

The procedure suggested below is intended to be consistent with:

- By-Law 16-2019 (A By-Law Establishing a Code of Conduct for Councillors)
- By-Law 01-2014 (A By-Law Respecting the Proceedings of Council and Administration)
- Local Governance Act, SNB 2017, c. 18
- Other Human Resources requirements; and
- General legal principles of procedural fairness and natural justice.

##### Procedure:

##### 1. Informal Complaint Process

Individuals are encouraged to pursue the informal complaint procedure as the first means of remedying conduct that they believe violates the code of conduct. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint.

Any person who has identified or witnessed conduct by a member of Council or staff and that person reasonably believes, in good faith, the individual is in contravention of this By-law or other legislated obligations may address the prohibited conduct by:

- a) Advising the individual that the conduct violates this Code and human resources policies and encouraging the individual to stop.

- b) Make a request to the Clerk to assist in informal discussion of the alleged complaint with the individual in an attempt to resolve the issue.
- c) The Clerk may offer to facilitate the resolution of the complaint; if the Clerk is unable to assist for any reasons, he/she may offer the assistance of a professional mediator.
- d) In the event that the Clerk is the subject of, or is implicated in a complaint, the person may request the assistance of the Mayor.

## **2. Formal Complaint Process**

- a) Anyone who has identified or witnessed conduct by a member of Council or staff that the person reasonably believes, in good faith, is in contravention of this By-Law or other legislated obligations is encouraged to attempt resolution using the informal complaint process prior to filing a formal complaint.
- b) If informal resolution is not desired, not appropriate or has been attempted without success, a confidential formal complaint may be filed in accordance with the following procedure:
  - i. All formal complaints shall be made in writing to the Clerk and shall be dated and signed. In the event that the Clerk is subject, or is implicated in a complaint, the person shall address their complaint to the Mayor.
  - ii. The formal complaint must set out reasonable and probable grounds for the allegation that the individual has contravened this By-Law, other legislative obligations, or relevant policies, including a detailed description of the facts, as they are known which gave rise to the allegation. Formal complaints can be submitted utilizing the form in Schedules "A" and "B" attached.
  - iii. Upon receipt of a formal complaint, the Clerk shall consider the following in determining whether the complaint shall be investigated:
    - Whether the complaint falls within the jurisdiction of this By-Law, other legislative obligations or relevant policies;
    - Whether there are sufficient grounds for an investigation; and
    - Whether the complaint is frivolous, vexatious, or not made in good faith.
  - iv. If it is determined that a complaint shall not be investigated, the Clerk will advise the complainant in writing outlining the reasons not to proceed and the file will be closed.
  - v. If the Complainant disagrees with the findings from the Clerk, the Complainant can file a letter of appeal with the Mayor and/or Deputy Mayor and the Mayor will

have the item placed on the agenda at the next-meeting of Council under closed session and Council shall determine the validity of the complaint. (Amended September 21, 2022)

- a. if it is determined that a complaint shall be investigated, the Clerk shall appoint an outside investigator to conduct an independent investigation and the respondent shall be notified of such complaint.
- vi. If the Respondent disagrees with the findings from the Clerk, the Respondent can file a letter of appeal with the Mayor and/or Deputy Mayor and the Mayor or Deputy Mayor will have the item placed on the agenda at the next meeting of Council under closed session and Council shall determine the validity of the complaint. (Amended September 21, 2022)
    - a. At this meeting, Council will determine whether to appoint an external investigator or panel to investigate the formal complaint to determine if the individual has violated the By-Law.
  - vii. If an external investigation is warranted:
    - The investigator must report back to the Clerk on appropriate censure, sanctions, or corrective action (if applicable) within 30 days of receiving the complaint.
    - If the facts, as reported, include the names of one or more individuals who are alleged to have breached the By-Law or other legislated obligations, the individual (s) concerned shall receive a copy of the complaint submitted to the investigator, subject to RTIPPA.
    - An investigator appointed by the Clerk shall review the complaint and shall take such steps as he/she may consider appropriate, including conducting interviews of Council members, staff or members of the public that are relevant to the complaint and may seek legal advice in appropriate circumstances. Information received during interviews may be in person or in writing. An investigator shall make all reasonable efforts to conduct their investigation on a confidential basis. The investigator will submit any supporting material to the individual whose conduct is in question with a request that a written response to the allegation, be received within 10 business days. A copy of the response shall be provided to the complainant with a request for a written reply within 10 business days.
    - While, ultimately, the Clerk adjudicates the validity of any complaint and/or imposes the resulting sanction, if any, the investigator shall, upon conclusion of the investigation, provide the Clerk including the individual who is the subject of the complaint, with a written report outlining the conduct of the investigator's investigation, including any conclusion reached by the investigator on the validity of the complaint and their recommendation of an appropriate sanction, if any. This report shall be provided to the Clerk within 30 days of receipt of the complaint.

- An individual who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before the clerk deliberates and makes any decision on the validity of the complaint and/or any sanction is imposed. The response must be received within 10 business days of receipt of the investigator's conclusions.
- An individual who is the subject of a complaint is entitled to be represented by legal counsel, at the individual's sole expense.

### **3. Sanctions and Consequences (Council)**

- a) Should a breach have been deemed to have occurred consequences for said breach may include action deemed necessary by Council through a majority vote, and may include, but not limited to, the following:
- i. Removal from membership and/or as chair of Committees either permanently or for an interim period;
  - ii. Barring the member of Council from attending at closed session meetings either permanently or for an interim period;
  - iii. Barring the member of Council from being circulated/informed of confidential matters/materials;
  - iv. Demand of a public apology, either written or verbal;
  - v. A verbal or written retraction of what was said/written;
  - vi. Expulsion from the meeting room for the remainder of the meeting;
  - vii. Letter of reprimand addressed to the member;
  - viii. Public reprimand through a motion of censure;
  - ix. A requirement to attend training;
  - x. Required return of municipal property or reimbursement of its value;
  - xi. Restricted access to municipal facilities, property, equipment, services and supplies;
  - xii. Restrictions on contact with staff;
  - xiii. Restriction on travel and representation on behalf of Council;
  - xiv. Restrictions on how documents are provided to the member (i.e., no electronic copies, only watermarked paper copies for tracking purposes); and/or



- xv. Reduction or suspension of the individual's remuneration as council may deem appropriate.
  - xvi. Any combination of any of the above.
- b) All breaches under this By-Law will be treated fair and in keeping with the severity of the infraction, the individual's past conduct will be taken into consideration.
  - c) In deciding which consequence(s) to impose, Council shall consider the potential consequences listed above, but shall not be limited to those consequences.
  - d) Once this has been determined, Council shall call in the complainant and respondent to inform them of their decision, including the reasons for reaching that decision. Reasons shall be provided by a delegate from among the majority of Council.
  - e) Minutes of this Closed Session meeting, including a summary of all evidence provided, all submissions made to Council, and a summary of Council's reasons for the decision, shall be kept, but shall not be made public and shall be retained by the Rural Community for a period of 7 years, in accordance with the Municipal Records Authority, following the end of the Closed Session meeting.
  - f) The Breach shall be validated in open session of Council.
  - g) Council shall endeavor to impose consequence(s) that are fair and in keeping with the nature and severity of the breach(es) of the Code of Conduct. Prior breaches of the Code of Conduct by the individual may be considered as aggravating factors which may justify more serious consequences for a subsequent breach.
  - h) If a finding of a breach of the Code of Conduct has been made by Council, the matter shall be placed on the agenda of the next Open Session of a Council Meeting, to have the following information recorded in publicly available meeting minutes:
    - That Council has found the member to be in Breach of the Code of Conduct;
    - The section of the Code of Conduct that was breached; and
    - The consequences imposed on the member.
  - i) This by law is self-enforcing, however, should a member of Council not comply with the imposed consequences or penalties to the breach of the Code of Conduct, the following actions may be taken:
    - Suspension of remuneration paid to the member of Council; prorated until such time as the member of Council complies;
    - removal from membership and/or as chair of all committees either permanently or for an interim period;

- any combination of any of the above.

**4. Sanctions and Consequences (Staff)**

- Should a breach have been deemed to have occurred consequences for said breach will be actioned by the Clerk following the Rural Community of Hanwell Human Resources Policy, when approved.

**5. Mutual Resolution of Complaints**

- At any time after a complaint is submitted, and before a dedicated meeting is held to hear evidence regarding the complaint, the complainant and respondent may mutually agree to resolve the complaint.
- Should either party wish to propose a resolution to the complaint, they may discuss potential resolution amongst themselves and/or their respective legal counsel, or they may submit a proposal to the Clerk, who shall send the proposal to the other party.
- In the event that the parties agree on a proposed resolution, the terms of the resolution shall be documented in writing and provided to the Clerk, at which time the Clerk shall remove the complaint from the agenda of the next Meeting of Council, or, if a dedicated meeting has been scheduled to hear evidence regarding the complaint, cancel the meeting.
- If the terms of the resolution are not followed, a party may so inform the Clerk, who may return the complaint matter to the agenda of the next scheduled Meeting of Council.

Original Date of Adoption by Council: July 20, 2022

Date of Revision Approved by Council: Sept 21, 2022

Mayor's Signature: *[Signature]*

Clerk's Signature: *Jerri L Parker*



**SCHEDULE "A"**

**Formal Complaint Form - Member of Council**

**Complainant Information:**

Name:	_____
Residence:	_____
Mailing Address:	_____
Phone Number:	_____
Email Address:	_____
<b>Please Note:</b> This form may be sent to the member (s) of Council; supporting documentation relevant to this complaint may be sent to the member (s) of Council; this form and supporting documents may be sent to an external investigator.	

Member(s) of Council in Question:

\_\_\_\_\_

Rule(s) of the Code of Conduct believed to have been contravened:

\_\_\_\_\_

Outline the details of your Complaint. Include names of any witnesses.

Use additional pages, as necessary.

Provide clear and specific information. If you refer to any documents, please attach copies of these documents to this Complaint Form:

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\_\_\_\_\_

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SCHEDULE "B"**

**Formal Complaint Form - Staff**

**Complainant Information**

Name:	_____
Residence:	_____
Mailing Address:	_____
Phone Number:	_____
Email Address:	_____
<b>Please Note:</b> This form may be sent to the respondent; supporting documentation relevant to this complaint may be sent to the respondent; this form and supporting documents may be sent to an external investigator.	

Outline the details of your Complaint. Include names of any witnesses.  
Use additional pages, as necessary.  
Provide clear and specific information. If you refer to any documents, please attach copies of these documents to this Complaint Form:

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Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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MC | ADVISORY

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