

ST. JOHN'S

Regular Meeting - City Council Agenda

February 13, 2023

3:00 p.m.

4th Floor City Hall

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1. CALL TO ORDER
2. PROCLAMATIONS/PRESENTATIONS
 - 2.1 We Believe - Support for Councillor Elizabeth Laurie, Town of Paradise
3. APPROVAL OF THE AGENDA
 - 3.1 Adoption of Agenda
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ST. JOHN'S

Minutes of Regular Meeting - City Council Council Chamber, 4th Floor, City Hall

February 6, 2023, 3:00 p.m.

Present: Councillor Sandy Hickman
Councillor Ron Ellsworth
Councillor Debbie Hanlon
Councillor Jill Bruce
Councillor Ian Froude
Councillor Carl Ridgeley

Regrets: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton
Councillor Ophelia Ravencroft
Councillor Jamie Korab

Staff: Kevin Breen, City Manager
Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Lynnann Winsor, Deputy City Manager of Public Works
Cheryl Mullett, City Solicitor
Ken O'Brien, Chief Municipal Planner
Karen Chafe, City Clerk
Kelly Maguire, Public Relations & Marketing Officer
Christine Carter, Legislative Assistant

Land Acknowledgement

The following statement was read into the record:

“We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John’s is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of Indigenous and other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi’kmaq, Innu, Inuit, and Southern Inuit of this Province.”

1. **CALL TO ORDER**

In the Mayor's and Deputy Mayor's absence, Councillor Sandy Hickman called the meeting to order at 3:00 pm.

2. **PROCLAMATIONS/PRESENTATIONS**

2.1 Violence Prevention Month 2023

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2023-01-30/47

Moved By Councillor Ridgeley

Seconded By Councillor Bruce

That the Agenda be adopted as presented.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes**

SJMC-R-2023-01-30/48

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That the minutes of January 30, 2023, be adopted as presented.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

5. **BUSINESS ARISING FROM THE MINUTES**

6. **DEVELOPMENT APPLICATIONS**

6.1 **Notices Published – 607 Topsail Road - DEV2200179**

SJMC-R-2023-01-30/49

Moved By Councillor Ellsworth

Seconded By Councillor Hanlon

That Council approve the Discretionary Use application for a Home Occupation at 607 Topsail Road to allow a registered massage therapy practice.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

6.2 Notices Published – 35 Major’s Path - DEV2200154

SJMC-R-2023-01-30/50

Moved By Councillor Ellsworth

Seconded By Councillor Bruce

That Council approve the Discretionary Use application for a Clinic at 35 Major’s Path.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

6.3 Notices Published – 254 Pennywell Road - DEV2200174

SJMC-R-2023-01-30/51

Moved By Councillor Ellsworth

Seconded By Councillor Hanlon

That Council approve the Change of Non-Conforming Use application for a Service Shop and Retail Use for the repair of musical instruments and retail sales at 254 Pennywell Road.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

6.4 Development in the Floodplain Buffer - 716 Water Street – DEV2200111

SJMC-R-2023-01-30/52

Moved By Councillor Ellsworth

Seconded By Councillor Hanlon

That Council approve the servicing of a private development within the Floodplain Buffer at 716 Water Street.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

7. **RATIFICATION OF EPOLLS**

8. **COMMITTEE REPORTS**

8.1 **Post Meeting Report - Committee of the Whole - January 25, 2023**

1. **Procurement Threshold Increase**

SJMC-R-2023-01-30/53

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council approve an increase in the procurement threshold for when three quotes are required from \$1,000 to \$2,500.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

2. **Rate Increase Instructors and Work Term Students**

Councillor Froude noted his support for this increase as it offers fairness to employees and makes us more competitive in filling these positions.

SJMC-R-2023-01-30/54

Moved By Councillor Ellsworth

Seconded By Councillor Froude

That Council increase the hourly wage of instructors and workterm students as recommended and that they be reviewed on an annual basis or in line with changes to the minimum wage as required.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

3. **Regional Wastewater Reserve Fund Purchase – SCADA Software Upgrade at the Riverhead Wastewater Treatment Plant**

SJMC-R-2023-01-30/55

Moved By Councillor Froude

Seconded By Councillor Ridgeley

That Council approve access to funding from the Regional Wastewater Reserve for the purchase of a SCADA software upgrade at the Riverhead Wastewater Treatment Plant.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

4. **Regional Wastewater Reserve Fund Purchase – Clarifier Collector Replacement at the Riverhead Wastewater Treatment Plant**

SJMC-R-2023-01-30/56

Moved By Councillor Froude

Seconded By Councillor Ridgeley

That Council approve access to funding from the Regional Wastewater Reserve for the supply and installation of replacement collectors for clarifier #2 at the Riverhead Wastewater Treatment Plant.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

5. **Traffic Calming Policy Update (January 18, 2023) Re: Public Survey Component**

1. **Traffic Calming Policy Update (February 6, 2023)**

Members of Council supported the new Traffic Calming Policy but it was noted that residents should be engaged when there are traffic calming initiatives in their neighbourhoods and be involved in the full process. Some

concern remains on the public survey threshold and the requirement for the petition, but it was agreed that this new policy will lead to more traffic calming in the right areas of the City.

SJMC-R-2023-01-30/57

Moved By Councillor Bruce

Seconded By Councillor Ellsworth

That Council approve the proposed changes to the City's Traffic Calming Policy presented in this Decision Note dated February 6, 2023.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permits List

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Vouchers Week Ending February 1, 2023

SJMC-R-2023-01-30/58

Moved By Councillor Bruce

Seconded By Councillor Ellsworth

That the weekly payment vouchers for the week ending February 1, 2023, in the amount of \$10,178,135.66 be approved as presented.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

12. TENDERS/RFPS

12.1 Supply Clarifier Collector Equipment for the Riverhead Wastewater Treatment Facility (WWTF).

SJMC-R-2023-01-30/59

Moved By Councillor Froude

Seconded By Councillor Ridgeley

That Council approve for award this contract award without an open call for bids to the exclusive supplier, Evoqua Water Technologies, for \$405,560.86 plus HST, as per Public Procurement Act.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13.1 Notice of Motion - Codes of Conduct for Councillors and Municipal Officials

Notice of Motion to adopt the Codes of Conduct for Councillors and Municipal Officials

Councillor Ellsworth gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move for the adoption of the Code of Conduct for Municipal Officials and the Code of Conduct for Councillors as required under the Municipal Conduct Act.

DATED at St. John's, NL this 6th day of February, 2023.

14. OTHER BUSINESS

14.1 CERAWEEK – 2023 – Houston, Texas

SJMC-R-2023-01-30/60

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

That Council approve the travel costs associated for Mayor Danny Breen to attend the 2023 CERAWeek, Houston, TX.

For (6): Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (6 to 0)

15. ACTION ITEMS RAISED BY COUNCIL

16. ADJOURNMENT

There being no further business, the meeting adjourned at 3:24 pm.

MAYOR

CITY CLERK

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move for the adoption of the Code of Conduct for Municipal Officials and the Code of Conduct for Councillors as required under the Municipal Conduct Act.

DATED at St. John's, NL this day of February, 2023.

COUNCILLOR

ST. JOHN'S

DECISION/DIRECTION NOTE

Title: Councillor Code of Conduct By-Law

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

To approve and adopt the Councillor Code of Conduct By-Law ("2023 Code") as required by the Municipal Conduct Act, SNL 2021 c. M-20.01 ("the Act") and regulations. The 2023 Code applies to members of Council only.

Discussion – Background and Current Status:

In 2018, the City prepared a By-Law entitled the "Code of Ethics By-Law." This By-Law was drafted as result of an independent report of the Honourable Clyde K. Wells, K.C, which recommended the repeal and consolidation of various By-Laws that applied to City employees and Councillors. The 2018 "Code of Ethics By-Law" governed various subjects, including but not limited to, Conflicts of Interest, Disclosure, Discrimination/Harassment, Elections, Confidential Information and Wrongdoings. This By-Law was approved by Council but could not be enacted due to limitations of the City of St. John's Act.

Subsequent to the preparation of the 2018 "Code of Ethics By-Law" the Province of Newfoundland and Labrador ("the Province") announced it would be bringing in legislation governing the conduct of all municipal employees, as well as Councillors, and that the legislation would contain a requirement for all municipalities to bring in two Codes of Conduct. As a result, the City waited to update its by-laws until the Province put forward this new legislation.

On September 1, 2022, the Province brought the Act into force. The Act requires not only Council, but all "municipal officials" including employees, to abide by a code of ethics dealing with conflict of interest and general conduct. The Act also sets out applicable penalties for current and former Council Members for conflict-of-interest breaches or conduct breaches.

The Act requires significant changes to the 2018 Code of Ethics By-Law previously approved, but not passed by Council. Council have been following other City By-Laws to address matters now contained in the 2023 Code, such as the Conflict of Interest By-Law, the Workplace Human Rights By-Law and the Freedom of Information By-Law.

ST. JOHN'S

Part I: Conflict of Interest

The Conflict of Interest By-Law is the most pertinent City by-law in relation to the 2023 Code. The Act addresses the conduct of Municipal Officials and includes requirements for identifying and addressing conflicts of interest.

Currently under the Conflict of Interest By-Law, a conflict of interest is defined narrowly to be a pecuniary interest. The Act requires a broader definition of conflict of interest and now includes a “Private Interest”:

Conflict of Interest By-Law	2023 Code
<p>3.(1) No member of Council shall vote on or speak to any matter before the Council or any committee thereof where:</p> <p>(a) the member of Council has a pecuniary interest directly or indirectly in that matter;</p> <p>(b) a relative of the member of Council has a pecuniary interest directly or indirectly in the matter; or</p> <p>(c) the member of Council is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a pecuniary interest in that matter.</p>	<p>Definition is more expansive to include a Private Interest of a Council Member or a Relative, that may be affected. The inability to act impartially due to personal relationships would also qualify as a conflict of interest. Section 2(h)</p> <p>“Conflict of Interest” means a Councillor is in a position whereby in the making, or involvement in the making, of a decision</p> <p>(i) a Councillor’s Private Interests are affected...;or</p> <p>(ii) the Councillor is unable to act impartially on behalf of the City due to the Councillor’s personal relationships...</p>

Under the Act, “Private Interest” includes director positions and memberships (reflected in s. 2(t) of the 2023 Code)

“Private Interest” includes:

- (i) an asset, liability or financial interest;**
- (ii) a source of income;**
- (iii) a position of director or executive officer in a corporation, association or trade union, whether for profit or not for profit;**
- (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;**

(v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an entity of a Council, with respect to any matter related to the administration or negotiation of the collective agreement, and

(vi) a benefit or award,

but does not include an excluded private interest, which means:

(i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;

(ii) a position of director or executive officer in a Municipal entity or Municipal corporation;

(iii) membership in a Council committee;

(iv) purchase or ownership of a Municipal debenture;

(v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and

(vi) a benefit or award of a value less than \$500.00 as prescribed in the Municipal Conduct Act regulations.

When addressing the requirements of reporting a Conflict of Interest, both the Conflict of Interest By-Law and the 2023 Code have similar processes:

Conflict of Interest By-Law	2023 Code
<p>4. (1) Where a member of Council has an interest as set out in section 3 he or she shall state that he or she has such an interest and the nature of that interest at the commencement of discussion on the matter in which he or she has such an interest.</p> <p>(2) Where the member of Council declaring a conflict of interest under subsection (1) is the presiding officer he or she shall vacate the chair.</p> <p>(3) Where the member of Council declaring a conflict of interest under subsection (1) does so at a privileged meeting he or she shall leave that meeting while the matter on which</p>	<p>28. (1) Where a Councillor knows or ought reasonably to know that they have a Conflict of Interest in a matter before Council, the Councillor shall:</p> <p>(a) declare the Conflict of Interest before any consideration or discussion of the matter;</p> <p>(b) disclose the general nature of the Conflict of Interest;</p> <p>(c) refrain from participating in any discussion relating to the matter;</p> <p>(d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter;</p>

<p>he or she has a conflict of interest is being discussed.</p> <p>5.(1) Where a member of Council is in doubt as to whether he or she has an interest that is a conflict of interest under section 3 he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final.</p>	<p>(e) leave the room in which the meeting is held for the duration of the consideration of the matter; and</p> <p>(f) where the Councillor declaring a Conflict of Interest is the presiding officer, they shall vacate the chair for the matter.</p> <p>(2) Notwithstanding paragraph 28(1)(e), where the meeting referred to in subsection (1) is open to the public, the Councillor may remain in the room.</p> <p>...</p> <p>29.(1) Where a Councillor is uncertain as to whether or not they are in a Conflict of Interest, the Councillor shall disclose the nature of the possible Conflict of Interest to Council who may decide whether a Conflict of Interest exists by a majority vote. In the event that the Council vote is tied, the Councillor shall be considered to have a Conflict of Interest.</p> <p>(2) A Councillor whose possible Conflict of Interest is being voted on is not entitled to vote.</p> <p>(3) Where Council determines by a majority vote that a Councillor does not have a Conflict of Interest and a Complaint is subsequently filed under this Councillor Code and it is determined that the Councillor did have a Conflict of Interest, Council may invalidate the decision of Council in which the Councillor acted in a Conflict of Interest but shall not impose any penalties against the Councillor.</p>
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The Conflict of Interest By-Law does not address a complaint made alleging a Member of Council acted in a conflict of interest. This addition is required by the Act and the mandated process has been set out beginning at section 30 of the 2023 Code.

Complaint Process under 2023 Code:

- 30. A Complaint alleging a Conflict of Interest shall include the following:**
- (a) the nature of the Conflict of Interest;**
 - (b) the Councillor's or former Councillor's actions in relation to the Conflict of Interest; and**
 - (c) any other information the City Manager or their designate determines necessary.**
- 31. The City Manager or their designate shall provide a copy of the Complaint to the Councillor no later than 5 business days after receipt of the Complaint.**
- 32. (1) The Councillor may provide a written response respecting the Complaint to the City Manager or their designate no later than 20 business days after receipt of a copy of the Complaint.**
- (2) Where the Councillor provides a written response under subsection (1), the City Manager or their designate shall provide a copy of the written response to the Complainant within one business day after receipt of the written response.**
- 33. The City Manager or their designate shall review the Complaint and the Councillor's written response no later than 10 business days after receipt of the written response, or where a written response is not filed, the City Manager or their designate shall review the Complaint no later than 10 business days after the time period to file the written response has expired, and shall:**
- (a) prepare a Report regarding the Complaint;**
 - (b) refer the Complaint and the Councillor's response, if any, to a Special Meeting of Council along with a copy of the Report; and**
 - (c) give written notice of the referral to the Complainant and the Councillor.**
- 34. No later than 15 business days after receiving the Report referred to in section 33, Council shall consider the Complaint, any response, and the Report provided in a Special Meeting of Council and may, by resolution,**
- (a) dismiss the Complaint;**
 - (b) determine that the Councillor or former Councillor acted in a Conflict of Interest; or**

(c) order an investigation by an External Investigator to determine whether the Councillor or former Councillor acted in a Conflict of Interest.

...

36. The External Investigator assigned under paragraph 34(c) shall prepare a Report regarding the investigation and submit it during a Special Meeting of Council.
37. Following review of the investigation Report submitted under section 36 Council may, by resolution,
- (a) dismiss the Complaint; or
- (b) make a determination that the Councillor or former Councillor acted in a Conflict of Interest.

In the event a complaint of a conflict of interest is upheld, penalties are set out in the Act and are reproduced in the 2023 Code. The complaint process and potential penalties apply to both current and former Councillors.

Part II: Wrongdoing

The Conflict of Interest By-Law does not address complaints made against current or former Councillors alleging “Wrongdoing,” meaning a breach of the 2023 Code other than a conflict of interest complaint or an alleged breach of any act or regulation.

Currently, a complaint against a Councillor alleging workplace harassment or other matters may be made under the St. John’s Workplace Human Rights By-Law. However, the Act mandates a procedure for a complaint of this nature, which has been included in the 2023 Code as a “Wrongdoing Complaint” and is different from the said By-Law:

St. John’s Workplace Human Rights By-Law	2023 Code
<p>5.1 Outside Consultant</p> <p>The making and resolution of complaints under this Policy by or against the Chief Commissioner or a Member of City Council will be contracted to a qualified human rights consultant (the Consultant) reporting directly to the Mayor and Council.</p> <p>The Consultant will be retained by City Council and will be selected based upon the recommendation of the Chief Commissioner,</p>	<p>A complaint must be filed within 6 months of becoming aware of the potential wrongdoing. Timeline may be extended in some circumstances. Section 46</p> <p>A complaint of wrongdoing is filed with the City Solicitor. May also be filed with the City Internal Auditor or a direct supervisor or HR in the case of an employee complaint. Section 47</p>

<p>the City Solicitor and Director of Human Resources.</p>	<p>Complaint may be informally resolved unless the complainant requests an investigation. Section 49</p>
<p>5.2 Notification of Complaint The Consultant shall notify the Mayor and Council of all complaints immediately upon receipt.</p>	<p>Complaint may be dismissed if no reasonable prospect of being substantiated. Section 51</p>
<p>5.3 Authority and Duties of the Consultant The Consultant has the authority of the Mayor and Council to investigate and/or attempt to settle the complaint, and to speak with anyone, examine any documents and enter any work location relevant to the complaint for the purposes of investigation or settlement. These duties shall be carried out in accordance with the preceding provisions of this Policy.</p>	<p>If a complaint is not dismissed or resolved informally, the City Solicitor shall retain an External Investigator to investigate the complaint. Section 56</p>
<p>Prior to conducting a full investigation into the complaint, the Consultant shall determine whether the complaint, if proven, would constitute discrimination or harassment under the Policy.</p>	<p>Unless the investigation is ceased by the External Investigator (section 60) the final Report shall be presented and filed with Council at a Special Meeting. The Report will have findings and conclusions, not recommendations. Section 61</p>
<p>The Consultant may recommend to Council that the complainant pay the costs of the investigation where, in the opinion of the Consultant, the complaint is spurious or vexatious.</p>	<p>Council shall review the matter and dismiss the complaint or find a contravention of the Code. Section 62-63</p>
<p>5.4 Consultant's Report The Council shall be presented with a report outlining the findings, terms of settlement, if any, or recommended corrective action within 30 days of the making of the complaint.</p>	<p>63. At a Regular Meeting, where Council determines that a Councillor has contravened this Councillor Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:</p>
<p>The complainant and respondent have the right to review and comment on the Report.</p>	<p>(a) reprimand the Councillor;</p>
<p>5.5 Final Decision</p>	<p>(b) require the Councillor to attend training as determined by Council;</p>
	<p>(c) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months;</p>
	<p>(d) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months; and</p>
	<p>(e) where one or more of the following apply, make an application to Court seeking</p>

<p>Prior to making any final decision on the matter the Council shall review the Report and any comments of the Consultant. The Council may approve, change or reject any proposed terms of settlement or recommended corrective action.</p>	<p>that the Councillor vacate their seat on Council and that the Councillor be ineligible to be nominated as a candidate until the nomination period for the next general election:</p>
<p>5.6 Other Avenues of Redress</p>	<p>(i) the contravention of the Councillor Code resulted in loss of public trust;</p>
<p>Nothing in this section should be interpreted as denying or limiting access to other avenues of redress available under the law (e.g., criminal complaint, civil suit, or a complaint with the Newfoundland Human Rights Commission). Council, however, may decide to postpone, suspend or cancel any investigation into a complaint under this Policy if it is believed that the investigation would duplicate or prejudice such a proceeding.</p>	<p>(ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence; and</p>
<p>5.7 Discipline/Sanctions</p>	<p>(iii) the Councillor has contravened the Councillor Code more than once and has refused to comply with the penalties imposed.</p>
<p>Depending upon the circumstances, a founded complaint under this Part will be considered a form of misconduct.</p>	<p>64. At a Regular Meeting where Council determines that a former Councillor has contravened the Councillor Code, Council may, by resolution, do one or both of the following:</p>
<p>In the case of misconduct under this Part involving the Chief Commissioner, corrective action may include discipline which can vary from verbal counselling or a written reprimand to suspension or discharge, subject to the provisions of any contract of employment or applicable legislation.</p>	<p>(a) reprimand the former Councillor; and</p>
<p>In the case of misconduct under this Part involving a Member of Council, and depending upon the recommendations of the Consultant the Council may impose appropriate sanctions, including monetary sanctions (i.e. lost salary or remuneration).</p>	<p>(b) where one or more of the following apply, declare that the former Councillor is ineligible to be nominated as a candidate until the nomination period for the next general election:</p>
	<p>(i) the contravention of the Councillor Code resulted in loss of public trust,</p>
	<p>(ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence, and</p>
	<p>(iii) the former Councillor has contravened the Councillor Code more than once and has refused to comply with penalties imposed.</p>

Part III: Social Media

Section 5 of the Municipal Conduct Regulations requires that a code of conduct developed for Members of Council must address the use of social media. Currently, there is no social media policy or by-law in place for Council. However, there is a social media policy applicable to the City and all employees. With the current City policy on social media as the basis, the language of the 2023 Code was drafted:

Social Media Usage Policy	2023 Code
<p>Policy Statement</p> <p>The City is committed to developing and maintaining a Social Media presence that:</p> <ul style="list-style-type: none"> a) is informative, welcoming, respectful, and inclusive; b) aligns with the City’s vision and guiding principles; c) supports the City’s image; and d) is accessible, transparent, and accountable. <p style="text-align: center;">...</p> <p>1 General Requirements</p> <p>a) City Social Media content shall:</p> <ul style="list-style-type: none"> i. align with the City’s vision and guiding principles and not negatively impact on the City’s reputation; and ii. be accurate, transparent, and accountable. <p>b) Use of Social Media shall support the City’s operational objectives.</p> <p>c) Only authorized Employees shall create, publicize, and manage a City Social Media account.</p> <p>d) All City Social Media sites shall conform with the appropriate and applicable City corporate branding and standards.</p> <p>e) All City Social Media sites shall contain a link to the Social Media Terms of Use.</p>	<p>15. All Councillors posting to their personal media accounts should be consistent with their duties and obligations as Councillors including, but not limited to, those obligations under this Councillor Code and all applicable City policies and must not bring the integrity of Council or the City into disrepute.</p> <p>16. Any opinions expressed in public by a Councillor while acting in their capacity as City Councillor shall be solely for the purposes of genuine political discourse and shall not include any Confidential Information obtained through their position with the City.</p> <p>17. Councillors shall, where possible, conduct Council business through City operated accounts and devices and shall avoid conducting Council business on personal devices or through personal accounts.</p>

<p>f) All Social Media activities shall be in accordance with the City's Social Media Handbook.</p> <p>g) The City reserves the right to restrict or remove any content that is deemed to be, in its sole discretion, in violation of this policy, or any applicable legislation.</p> <p>...</p> <p>3 Employee Use of Social Media</p> <p>a) An Employee shall not represent the City of St. John's on any Social Media unless authorized to do so.</p> <p>b) All Employees shall use sound judgment when posting to their personal Social Media and all postings should be consistent with their employment obligations, including, but not limited to those obligations under the St. John's Code of Ethics By-law and City policies.</p>	
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Part IV: Remainder of 2023 Code

As stated previously, while the 2018 "Code of Ethics By-Law" was voted on and approved by Council, it was never passed due to the limitations imposed by the City of St. John's Act. Nonetheless, the 2018 "Code of Ethics By-Law" was achieved through extensive work and deliberations.

Given that there are significant new requirements under the Act, and to facilitate the transition for Council as seamlessly as possible, the 2023 Code has maintained much of the 2018 "Code of Ethics By-Law" previously approved:

2018 Code of Ethics By-Law	2023 Code
Part I: Ethical Conduct	Part 1: Ethical Conduct
Part II: Workplace Protection;	Part 2: Conflict of Interest Complaint
Part III: Financing of Municipal Elections;	Part 3: Wrongdoing Complaint
Part IV: Protection of Confidential Information;	Part 4: Disclosure
	Part 5: Workplace Protection

Part V: Reporting Breaches of the Code	
Part VI: Miscellaneous	Part 6: Protection of Confidential Information
	Part 7: Miscellaneous.

In comparing the 2018 “Code of Ethics By-Law” and the 2023 Code:

Part I Ethical Conduct - In the “2018 Code of Ethics By-Law”, the Ethical Conduct section was broader in that it also applied to employees. All employee references have been removed in the 2023 Code.

Part 1 Ethical Conduct of the 2023 Code is further streamlined as sections such as Conflict of Interest and Disclosure have been moved elsewhere.

Part II - Workplace Protection of the 2018 “Code of Ethics By-Law” has been moved to Part 5 - Workplace Protection of the 2023 Code.

Part III - Financing of Municipal Elections of the 2018 “Code of Ethics By-Law” was a copy of the Election Finance By-Law, the reason being that the intention was that the Election Finance By-Law would be repealed. This is no longer the case with the 2023 Code. The Election Finance By-Law will remain in place so there is no corresponding section in the 2023 Code.

Part IV - Protection of Confidential Information of the 2018 “Code of Ethics By-Law” has been moved to Part 6 of the 2023 Code, with the exception of Travel Expenses which is now under Part 4 - Disclosure.

Part V - Reporting of Breaches of the Code in the 2018 “Code of Ethics By-Law” has been streamlined to remove employees and has been broken down into 2 parts under the 2023 Code:

Part 2 - Conflict of Interest Complaints of the 2023 Code now addresses conflict of interest, the requirements on Council to report, the complaint process if a breach is alleged and the penalties.

Part 3 - Wrongdoing Complaint of the 2023 Code addresses allegations of wrongdoing, which is an alleged breach other than a conflict-of-interest.

Part VI - Miscellaneous of the 2018 “Code of Ethics By-Law” is reflected in Part 7 - Miscellaneous of the 2023 Code.

The Legal Department has drafted the 2023 Code to comply with the Act. With respect to the public disclosure of investigation reports the Department has interpreted the Act’s provision to not conflict with or violate privacy, ATIPPA, or other applicable laws.

Part V: Training

The Act requires 2 types of training; Code Training and Orientation Training.

On the 2023 Code, Council is required to have the Code in place within 6 months of the Act coming into force (s. 12), which means by March 1, 2023. Training under the 2023 Code must be completed within 3 months of the Code being established by Council (s.13). Failure to do so within the prescribed time period means that the Member of Council shall not carry out any duty or function of Council.

Orientation training must be completed within one year of the Act coming into force, September 1, 2023. Newly elected Members of Council must be trained within 60 days of being elected. Again, a Member of Council cannot assume their role until training is complete.

Part VI: Summary

The Legal Department has drafted the 2023 Code in accordance with the Act. Unless specific definitions or procedures were set out in the Act, the Legal Department has used existing City policies and by-laws to the extent possible. Further, as much of the 2018 “Code of Ethics By-Law” was preserved as long as the sections complied with the Act and dealt with Members of Council only.

With respect to the public disclosure of investigation reports the Legal Department has taken a drafted the 2023 Code taking into consideration the City’s requirements under ATIPPA, 2015, privacy and all other applicable laws.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost of Training – Training and orientation will be completed using current HR and Legal resources. However, once the training is designed there may be additional resources required. There may be increased costs for external investigations under the By-Law.
2. Partners or Other Stakeholders: Members of Council and Staff
3. Alignment with Strategic Directions:
 - Effective City – The 2023 Code will ensure accountability and good governance by providing a regulatory framework for dealing with conflicts of interests, wrongdoing allegations, and conduct in general.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:

- The passage of the 2023 Code would result in the repeal of several City by-laws;
- The passage of the 2023 Code will result in required training for Members of Council;
- The 2023 Code will create a complaint process for both allegations of wrongdoing and conflicts of interest

7. Privacy Implications:

As indicated, the legal Department is concerned about the potential public disclosure of investigation reports, which is why redaction is recommended to remain in compliance with ATIPPA 2015 and other applicable laws. This approach has been reviewed with the City's Access and Privacy Analysts of the Office of the City Clerk who are in agreement with the approach.

8. Engagement and Communications Considerations:

Council and staff will need to be made aware of the requirements of the 2023 Code. Staff will, through training, learn of the 2 By-Laws and that complaints regarding Members of Council will be governed by the 2023 Code.

9. Human Resource Implications:

Legal and Human Resources will need to coordinate to ensure training and policies comply with the provisions of the 2023 Code.

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve and adopt the Councillor Code of Conduct By-Law

Prepared by: Raman Balakrishnan, Legal Counsel
Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

Document Title:	Decision Note - Code of Conduct for Councillors.docx
Attachments:	- Code of Conduct for Councillors Feb 9 2023 - final.docx
Final Approval Date:	Feb 9, 2023

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 9, 2023 - 11:40 AM

By-Law No. TBD

Title: Code of Conduct for Councillors By-Law

Passed by Council on

Pursuant to the authority conferred under the *City of St. John's Act*, RSNL 1990 c. C-17, and the *Municipal Conduct Act*, SNL 2021 c. M-20.01, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law.

CODE OF CONDUCT FOR COUNCILLORS

SHORT TITLE

1. This By-Law may be cited as the "Code of Conduct for Councillors " hereinafter referred to as the "Councillor Code".

DEFINITIONS

2. In this Councillor Code,
 - (a) **"Affiliated Entity"** means any organization, group, foundation, club, or corporation that is affiliated wholly or partially with the City including the St. John's Transportation Commission;
 - (b) **"ATIPPA"** means the *Access to Information and Protection of Privacy Act, 2015*, SNL 2015 c. A-1.2 as may be amended from time to time;
 - (c) **"City Manager"** means the City Manager or Acting City Manager appointed under the *City of St. John's Act*;
 - (d) **"Cohabiting Partner"** means a Person with whom a Councillor is living in a conjugal relationship outside of marriage;
 - (e) **"Complainant"** means any Person making a Complaint including members of the public;
 - (f) **"Complaint"** means a written document alleging that a Councillor acted in a Conflict of Interest or committed a Wrongdoing;

(g) **“Confidential Information”** means

- (i) information received in confidence that is prohibited from being disclosed by common law or Municipal, Provincial or Federal statute or is protected from disclosure under ATIPPA or other legislation, which may include information received in confidence from third parties of a corporate, commercial, scientific, or technical nature, information that is personal, and information that is subject to solicitor-client privilege;
- (ii) information received by the City pertaining to personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation;
- (iii) matters relating to litigation, negotiations, or personnel;
- (iv) information which would reveal the substance of deliberation of a privileged meeting;
- (v) draft documents and legal instruments including reports, policies, by-laws, and resolutions that have not been the subject matter of deliberation in a meeting open to the public; and
- (vi) law enforcement matters.

(h) **“Conflict of Interest”** means a Councillor is in a position whereby in the making or involvement in the making of a decision:

- (i) a Councillor’s Private Interests are affected. A decision may affect, directly or indirectly, a Private Interest, where the decision may result in a gain or loss to the Councillor’s Private Interests or the Private Interests of a Relative. A decision does not affect, directly or indirectly, a Private Interest where the decision affects the Councillor or a Relative as one of a broad class of the public; or
- (ii) a Councillor is unable to act impartially on behalf of the City due to the Councillor’s personal relationships. A Councillor is unable to act impartially where a reasonable Person may conclude that the Councillor’s personal relationships would result in favoritism or prejudice to the Person(s) to whom the Councillor has a personal relationship.

- (i) **“Contribution”** means a contribution of money, goods, or services, but does not include a donation by a natural Person of their personal services, talents, or expertise or the use of their vehicle where it is given freely and not as part of their work in the service of an employer;
- (j) **“Council”** means St. John's Municipal Council as referred to in section 5 of the *City of St. John's Act*;
- (k) **“Councillor”** means a member of Council as defined under section 5 of the *City of St. John's Act* and for the purposes of this Councillor Code, shall include a former Councillor;
- (l) **“Disclosure Statement”** means a form set by Council to be filed within 30 days of a Councillor taking office, and each year on or before March 1st, which is filed under Part 4 of this Councillor Code;
- (m) **“Election”** means a general election, by-election, or special election called under the *Municipal Elections Act*, SNL 2001 c. M-20.2, as may be amended from time to time;
- (n) **“Employee”** means any individual, who is employed by the City of St. John's on a part-time, temporary, full-time, permanent, or contractual basis including all employees of Affiliated Entities;
- (o) **“External Investigator”** means an independent, qualified third party hired to investigate a Complaint;
- (p) **“Gift Disclosure Statement”** means a statement filed under Part 4 of this Councillor Code and must contain:
 - (i) the nature of the gift or benefit;
 - (ii) the source and date of receipt;
 - (iii) the circumstances under which the gift was received;
 - (iv) the estimated value of the gift; and,
 - (v) whether the gift will at any point be left with the City.
- (q) **“Human Rights Act”** means the *Human Rights Act, 2010*, SNL 2010 c. H-13.1 as may be amended from time to time;

- (r) **“Person”** means any individual, including but not limited to Employees, Affiliated Entities and Volunteers;
- (s) **“Political Activity”** is applicable to Municipal, Provincial and Federal politics, and includes:
 - (i) seeking nomination or being a candidate in an election; or
 - (ii) actively canvassing or campaigning for a political party or a candidate.
- (t) **“Private Interest”** includes:
 - (i) an asset, liability or financial interest;
 - (ii) a source of income;
 - (iii) a position of director or executive officer in a corporation, association, or trade union, whether for profit or not for profit;
 - (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;
 - (v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an Affiliated Entity with respect to any matter related to the administration or negotiation of the collective agreement, and
 - (vi) a benefit or award,

but does not include an excluded private interest, which means:

- (i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;
- (ii) a position of director or executive officer in a Municipal entity or Municipal corporation;
- (iii) membership in a Council committee;
- (iv) purchase or ownership of a Municipal debenture;

- (v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and
- (vi) a benefit or award of a value less than \$500.00 as prescribed in the *Municipal Conduct Act* regulations.
- (u) **"Relative"** means
 - (i) a Spouse or Cohabiting Partner;
 - (ii) a child, stepchild, parent, stepparent, sibling, stepsibling, parent-in-law or sibling-in-law of the Councillor; and
 - (iii) a Person not referred to in subparagraphs (i) and (ii) who resides with the Councillor.
- (v) **"Report"** means any written reports generated through a Complaint process;
- (w) **"Reprisal"** means any measure taken or threatened against a Person as a result of making or being suspected of making a Complaint or participating in or being suspected of participating in an investigation;
- (x) **"Special Meeting"** or **"Special Meeting of Council"** means a meeting held pursuant to sections 38 and 40 of the *City of St. John's Act* and are confidential, and shall have the same meaning as "privileged meeting" as set out in section 2 of the *Municipal Conduct Act*;
- (y) **"Spouse"** means a Person to whom a Councillor is married, unless that Person and the Councillor have made a separation agreement, or their support obligations and family property have been dealt with by a Court order;
- (z) **"Volunteer"** means any individual that provides service on a volunteer basis for the City or Affiliated Entity;
- (aa) **"Wrongdoing"** means
 - (i) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including a Municipal by-law or regulation; or

- (ii) a breach of this Councillor Code other than a Conflict of Interest.

APPLICATION

- 3. This Councillor Code applies to current and former Councillors acting in their official capacity, as well as to their off duty conduct when that off duty conduct is sufficiently connected to the business of the City or their conduct could reasonably discredit the reputation of the City, including unless otherwise stated herein, at:
 - (i) City buildings, facilities, sites, offices, or work environments;
 - (ii) locations visited while traveling on City-related business;
 - (iii) conferences, meetings, vendor/supplier, or customer sites;
 - (iv) locations of work-based social gatherings; and
 - (v) any location, physical or virtual while making comments pertaining to the City.

PURPOSE

- 4. The purpose of this Councillor Code is to:
 - (a) encourage and maintain public confidence and trust in governance and administration of the City;
 - (b) promote integrity in the conduct of the affairs and operations of the City;
 - (c) provide Council with guidelines for identifying, resolving and/or avoiding Conflicts of Interest, breaches of trust and unethical behaviour;
 - (d) encourage a respectful organization that is free from harassment and discrimination;
 - (e) promote transparency in governance;
 - (f) promote the protection of Confidential Information;
 - (g) promote high standards of professional conduct and values; and

- (h) comply with requirements set out in the *Municipal Conduct Act*, as may be amended from time to time.

STATUTORY PROVISIONS REGULATING ETHICAL CONDUCT

- 5. (1) This Councillor Code operates along with and as a supplement to existing statutes, as amended, governing the conduct of Council including but not limited to:
 - (a) *City of St. John's Act*;
 - (b) *Criminal Code of Canada*, RSC 1985 c. C-46;
 - (c) *Municipal Elections Act*;
 - (d) ATIPPA;
 - (e) *Occupational Health and Safety Act*, RSNL 1990 c. O-3;
 - (f) Human Rights Act; and
 - (g) *Municipal Conduct Act*.
- (2) Notwithstanding subsection (1), where a Federal or Provincial statute conflicts with this Councillor Code, the Federal or Provincial statute shall apply.

Part 1

Ethical Conduct

CONDUCT

6. All members of Council shall abide by and are bound by the City's *Respectful Workplace* policy. A breach of this policy shall be deemed a breach of this Councillor Code.
7. A Councillor shall abide by Council's Rules of Procedure.
8. A Councillor is prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the Councillor in a Conflict of Interest.
9. A Councillor shall not communicate on behalf of the City unless they receive the prior authorization of Council.

PUBLIC ASSETS AND FRAUD

10. A Councillor shall not request, use, or permit the use of City vehicles, land, equipment, materials, facilities or other property for a Private Interest, or personal convenience, except where such privileges are granted to the general public or where the Councillor has the prior written permission of Council.
11. A Councillor shall not obtain any Private Interest from the use or sale of City property, including but not limited to, intellectual property.
12. A Councillor shall not obtain any Private Interest from the use or sale of information obtained through their position on Council.
13. A Councillor shall not grant preferential treatment to a Relative or to companies or organizations in which the Councillor or Relative have a direct Private Interest, and shall refrain, whenever possible, from official dealings with such Persons, companies, or organizations.
14. A Councillor shall not use their position to promote the hiring of a Relative or a friend, to discipline a Relative or a friend or to participate in hiring decisions affecting a Relative or a friend.

SOCIAL MEDIA

15. All Councillors posting to their personal media accounts should be consistent with their duties and obligations as Councillors including, but not limited to, those obligations under this Councillor Code and all applicable City policies and must not bring the integrity of Council or the City into disrepute.
16. Any opinions expressed in public by a Councillor while acting in their capacity as City Councillor shall be solely for the purposes of genuine political discourse and shall not include any Confidential Information obtained through their position with the City.
17. Councillors shall, where possible, conduct Council business through City operated accounts and devices and shall avoid conducting Council business on personal devices or through personal accounts.

POLITICAL ACTIVITY

18. Nothing in this section shall prohibit or discourage any Councillor from voting in any Election.
19. A Councillor shall not engage in any Political Activity while acting in their capacity as a Councillor or while representing the City.
20. A Councillor shall not use City resources, including but not limited to facilities, equipment or supplies while engaging in Political Activity.
21. A Councillor shall not use their title or position in the City in any way that would lead any member of the public to infer the City is endorsing a candidate or political party.
22. A Councillor seeking election to any level of government, except a Councillor who is seeking re-election to Council, shall take an unpaid leave of absence from the time they file their nomination papers until election day. The ability to take leave is subject to any applicable City Human Resources policies in place.
23. A Councillor shall resign their position with the City if they are elected to any level of government, except in the case of a Councillor who is re-elected to Council.

Part 2
Conflict of Interest Complaint

24. If any Person is of the opinion that a Councillor or former Councillor is or was in a Conflict of Interest, that Person shall file a Complaint with the City Manager within 6 months of becoming aware of the potential Conflict of Interest.
25. The Complaint shall be in writing. Notwithstanding the preceding, a Complaint submitted under Part 2 or Part 3 of this Councillor Code may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.
26. The City Manager in their discretion, may assign a designate to facilitate a Complaint.
27.
 - (1) No Councillor shall vote on or speak to any matter before Council or any committee thereof where they have a Conflict of Interest in which their Private Interest, or that of a Relative, may be affected or if the Councillor is unable to act impartially due to personal relationships.
 - (2) A Councillor does not have a Conflict of Interest where:
 - (a) the interest relates to a matter of general application that is to be decided by Council that is related to all the citizens of the City or a broad class thereof of which the Councillor or Relative is a member;
or
 - (b) the interest pertains to an Affiliated Entity.
28.
 - (1) Where a Councillor knows or ought reasonably to know that they have a Conflict of Interest in a matter before Council, the Councillor shall:
 - (a) declare the Conflict of Interest before any consideration or discussion of the matter;
 - (b) disclose the general nature of the Conflict of Interest;
 - (c) refrain from participating in any discussion relating to the matter;

- (d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter;
 - (e) leave the room in which the meeting is held for the duration of the consideration of the matter; and
 - (f) where the Councillor declaring a Conflict of Interest is the presiding officer, they shall vacate the chair for the matter.
 - (2) Notwithstanding section 28(1)(e), where the meeting referred to in subsection (1) is open to the public, the Councillor may remain in the room.
 - (3) A Councillor shall not attempt, in any way, before, during or after the meeting, to influence
 - (a) the vote of other Councillors; or
 - (b) any policy advice provided to Council regarding the matter.
 - (4) A declaration of Conflict of Interest under subsection (1) and the general nature of the Conflict of Interest shall be recorded in the minutes of Council or a committee of Council, where the declaration was made at a committee meeting.
29. (1) Where a Councillor is uncertain as to whether or not they are in a Conflict of Interest, the Councillor shall disclose the nature of the possible Conflict of Interest to Council who may decide whether a Conflict of Interest exists by a majority vote. In the event that the Council vote is tied, the Councillor shall be considered to have a Conflict of Interest.
- (2) A Councillor whose possible Conflict of Interest is being voted on is not entitled to vote.
- (3) Where Council determines by a majority vote that a Councillor does not have a Conflict of Interest and a Complaint is subsequently filed under this Councillor Code and it is determined that the Councillor did have a Conflict of Interest, Council may invalidate the decision of Council in which the Councillor acted in a Conflict of Interest but shall not impose any penalties against the Councillor.

30. A Complaint alleging a Conflict of Interest shall include the following:
- (a) the nature of the Conflict of Interest;
 - (b) the Councillor's or former Councillor's actions in relation to the Conflict of Interest; and
 - (c) any other information the City Manager or their designate determines necessary.
31. The City Manager or their designate shall provide a copy of the Complaint to the Councillor or former Councillor no later than 5 business days after receipt of the Complaint.
32. (1) The Councillor or former Councillor may provide a written response respecting the Complaint to the City Manager or their designate no later than 20 business days after receipt of a copy of the Complaint.
- (2) Where the Councillor or former Councillor provides a written response under subsection (1), the City Manager or their designate shall provide a copy of the written response to the Complainant within one business day after receipt of the written response.
33. The City Manager or their designate shall review the Complaint and the Councillor's/former Councillor's written response no later than 10 business days after receipt of the written response, or where a written response is not filed, the City Manager or their designate shall review the Complaint no later than 10 business days after the time period to file the written response has expired, and shall:
- (a) prepare a Report regarding the Complaint;
 - (b) refer the Complaint and the response, if any, to a Special Meeting of Council along with a copy of the Report; and
 - (c) give written notice of the referral to the Complainant and the Councillor or former Councillor.

34. No later than 15 business days after receiving the Report referred to in section 33, Council shall consider the Complaint, any response, and the Report provided in a Special Meeting of Council and may, by resolution,
- (a) dismiss the Complaint;
 - (b) determine that the Councillor or former Councillor acted in a Conflict of Interest; or
 - (c) order an investigation by an External Investigator to determine whether the Councillor or former Councillor acted in a Conflict of Interest.
35. A Councillor or a Person shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass, or fail to cooperate with anyone conducting an investigation under section 34(c).
36. The External Investigator assigned under section 34(c) shall prepare a Report regarding the investigation and submit it during a Special Meeting of Council.
37. Following review of the investigation Report submitted under section 36 Council may, by resolution,
- (a) dismiss the Complaint; or
 - (b) make a determination that the Councillor or former Councillor acted in a Conflict of Interest.
38. After Council's decision made under section 37, the Report submitted to Council shall be tabled at a Regular Meeting of Council with appropriate redactions of Confidential Information and personal information as required under ATIPPA or applicable law.
39. (1) Where Council determines that a Councillor has acted in a Conflict of Interest, Council:
- (a) shall, by resolution, require the Councillor to vacate their seat on Council and declare that the Councillor is not eligible to be nominated as a candidate until the nomination period for the next general election; and

- (b) may, by resolution, invalidate the decision of Council in which the Councillor acted in a Conflict of Interest.
- (2) Notwithstanding subsection (1), where Council determines that a Councillor acted in a Conflict of Interest through inadvertence or a genuine error in judgment, Council may, by resolution, allow the Councillor to keep their seat on Council and may do one or more of the following:
 - (a) reprimand the Councillor;
 - (b) invalidate the decision of Council in which the Councillor acted in a Conflict of Interest;
 - (c) require the Councillor to attend training as determined by Council;
 - (d) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months; and
 - (e) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months.
- 40. Where Council determines that a former Councillor has acted in a Conflict of Interest, Council may do one or more of the following:
 - (a) reprimand the former Councillor;
 - (b) invalidate the decision of Council in which the former Councillor acted in a Conflict of Interest; and
 - (c) declare that the former Councillor is not eligible to be nominated as a candidate until the nomination period for the next general election.
- 41. Where a Councillor is unable to attend regular public meetings of Council for 3 successive months because of a suspension due to a finding of a Conflict of Interest, their absence from the public meetings is considered to be with leave of Council.
- 42. No Councillor or former Councillor shall make any Reprisal against any Person who makes a Complaint alleging a Conflict of Interest. A Councillor or former Councillor shall, to the best of their ability, ensure no action is taken, which would

be reasonably perceived as a Reprisal against any Person acting in good faith who brings forward a Complaint or information which leads to a Complaint.

43. No Councillor or former Councillor shall file a Complaint under this Councillor Code, which is retributive, made in bad faith, or made with malicious intent.
44. A Complaint against a Councillor or former Councillor shall not be deemed to be retributive, made in bad faith, or malicious solely because it is determined to be unfounded or is dismissed.

Part 3

Wrongdoing Complaint

45. The City is committed to the facilitation and disclosure of serious and significant matters in or relating to the City or any Councillor that are potentially unlawful or injurious to the public interest.
46. Any Person who has knowledge of Wrongdoing by a Councillor or former Councillor shall make a Complaint under this Councillor Code within 6 months of becoming aware of the potential Wrongdoing. The City Solicitor may accept a Complaint of Wrongdoing outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where the City Solicitor in their discretion determines it is reasonable to do so, taking into account the public interest.
47. A Complaint of Wrongdoing shall be signed by the Complainant or their solicitor and filed with the City Solicitor. Along with the City Solicitor, the Complaint of Wrongdoing may also be filed with:
 - (a) the City Internal Auditor; or
 - (b) in the case of an Employee or Volunteer, their direct supervisor or the Director of Human Resources.
48. A Person making a Complaint under this Part may request to remain anonymous and every effort shall be made to respect that request however, depending on the nature of the Complaint anonymity cannot be guaranteed.
49. The City Solicitor or their designate may, in their discretion, address the Complaint through an informal process or proceed to an investigation however, the Complaint shall proceed to an investigation if instructed to do so by the Person who made the Complaint.
50. A Complaint under this Part shall include the following information:
 - (a) a description of the Wrongdoing;
 - (b) the name of the Councillor or former Councillor alleged to have committed the Wrongdoing; and

- (c) any further details or facts that would be necessary to investigate the Wrongdoing.
51. (1) Where in the opinion of the City Solicitor, or their designate, the Complaint has no reasonable prospect of being substantiated, the City Solicitor may dismiss the Complaint and provide notice of the dismissal to the Complainant. The City Manager shall submit a Report to a Special Meeting of Council providing a summary of the matter with Confidential Information withheld.
- (2) Notwithstanding subsection (1), in cases where a Complaint relates to theft, fraud, or any misappropriation of funds, the City's Internal Auditor shall address the Complaint. Where in the opinion of the City Internal Auditor, the Complaint has no reasonable prospect of being substantiated, the City Internal Auditor may dismiss the Complaint and provide notice of the dismissal to the Complainant. The City Manager shall submit a Report to a Special Meeting of Council providing a summary of the matter with Confidential Information withheld.

ALTERNATIVE REMEDIAL PROCESS

52. Where it appears to the City Solicitor, or their designate, that a Complaint under this Part may be resolved satisfactorily through an informal process, and where the Complainant and the Councillor or former Councillor consent, the City Solicitor may engage an external mediator or attempt to resolve the matter in an acceptable manner.
53. The City Manager or their designate shall submit a Report to a Special Meeting of Council providing a summary of the matter if it satisfactorily resolved through an informal process or if it is not resolved but the Complainant and Councillor or former Councillor agree on the facts. If the matter is not resolved but facts are agreed upon, Council shall review the Report in a Special Meeting. In a Regular Meeting of Council, Council shall dismiss the Complaint or determine that the Councillor or former Councillor contravened the Councillor Code. In the event the Report is tabled at the Regular Meeting of Council or otherwise released, the Report shall have all appropriate redactions of Confidential Information and personal information as required under ATIPPA.
54. Nothing in this Councillor Code prohibits a Complainant from pursuing the following remedies:

- (a) an Employee filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the Human Rights Act; or,
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
55. In the event that a Human Rights complaint, a grievance is filed by an eligible Employee, or a criminal charge is laid, any Complaint filed with respect to same matter will not be investigated under this Councillor Code. The City Manager or their designate shall submit a Report to a Special Meeting of Council providing a summary of the matter proceeding as set out in section 54 with Confidential Information withheld.

EXTERNAL INVESTIGATOR

56. (1) In the event a Complaint under this Part has not been dismissed, or has not proceeded to an alternative remedial process, or has not been otherwise resolved, the City Solicitor shall hire an External Investigator to investigate the Complaint of Wrongdoing. The City Manager or their designate shall inform Council of the Complaint proceeding to an External Investigator in a Special Meeting of Council with all Confidential Information withheld.
- (2) For any Complaint relating to theft, fraud, or any misappropriation of funds the City Internal Auditor, or their designate, may investigate the Complaint or shall participate in an investigation being conducted by an External Investigator.
57. Anyone involved with the investigation process shall keep all information disclosed to them through the investigation confidential.
58. The External Investigator shall to the fullest extent possible keep the Complainant's identity confidential if requested by the Complainant. It shall not be considered a breach of this Councillor Code if the External Investigator discloses the identity of the Complainant to the Councillor or former Councillor.
59. Any investigation shall provide the Councillor or former Councillor the opportunity to give a full statement and provide any evidence they may have regarding the Complaint of Wrongdoing.

60. The External Investigator may in their discretion cease an investigation if they are of the opinion that:
- (a) the subject matter of the Complaint is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the Complaint arose and the date when the Complaint was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly investigate;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or,
 - (g) there is another valid reason for not investigating.
61. Upon the conclusion of an investigation the External Investigator shall file a Report with the City Solicitor and shall present the Report of their findings and conclusions to Council at a Special Meeting. The Complainant, Councillor or former Councillor shall receive a copy of the Report. The Report shall be confidential and shall not be released to the public without written consent of the Complainant, Councillor/former Councillor, and Council, and with all appropriate redactions of Confidential Information and personal information required under ATIPPA.
62. After review of the Report, where Council decides that a Councillor or former Councillor has not committed a Wrongdoing, Council shall dismiss the Complaint at a Regular Meeting.
63. At a Regular Meeting, where Council determines that a Councillor has contravened this Councillor Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:

- (a) reprimand the Councillor;
- (b) require the Councillor to attend training as determined by Council;
- (c) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months;
- (d) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months; and
- (e) where one or more of the following apply, make an application to Court seeking that the Councillor vacate their seat on Council and that the Councillor be ineligible to be nominated as a candidate until the nomination period for the next general election:
 - (i) the contravention of the Councillor Code resulted in loss of public trust;
 - (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence; and
 - (iii) the Councillor has contravened the Councillor Code more than once and has refused to comply with the penalties imposed.

64. At a Regular Meeting, where Council determines that a former Councillor has contravened the Councillor Code, Council may, by resolution, do one or both of the following:

- (a) reprimand the former Councillor; and
- (b) where one or more of the following apply, declare that the former Councillor is ineligible to be nominated as a candidate until the nomination period for the next general election:
 - (i) the contravention of the Councillor Code resulted in loss of public trust,
 - (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence, and

- (iii) the former Councillor has contravened the Councillor Code more than once and has refused to comply with penalties imposed.

65. In the event of a Complaint being dismissed or substantiated under ss 62, 63 and 64, the City Solicitor shall prepare a summary of what occurred for the Regular Meeting in which Council's decision is made. The summary prepared by the City Solicitor shall be in accordance with ATIPPA with all applicable Confidential Information and personal information withheld in accordance with all applicable laws.

APPEAL

66. (1) A Complainant, Councillor or former Councillor whom a decision of Council under this Councillor Code is made against may appeal a decision or order made under:

- sections 34(a) and (b);
- section 37;
- section 39(1)(a);
- section 39(2)(e);
- section 40(c);
- section 62;
- section 63(d) and (e); and
- section 64(b).

no later than 21 days after receiving notice of that decision or order to the Supreme Court of Newfoundland and Labrador.

(2) An appeal under this section does not stay the decision or order being appealed unless the Supreme Court of Newfoundland and Labrador orders otherwise.

Part 4

Disclosure

67. A Councillor shall report all expenses promptly, accurately, and with sufficient detail as required by the City. A Councillor shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
68. (1) Within 30 days of taking office and each year on or before March 1, each Councillor shall file with the City Clerk a Disclosure Statement disclosing assets and interests in accordance with section 4(1) of the *Municipal Conduct Act*.
- (2) Where a Councillor fails to comply with subsection (1), the City Clerk shall forthwith notify them in writing of the failure to comply, and the Councillor shall, within 30 days of receiving the notification, file a Disclosure Statement. Failure to file the Disclosure Statement shall be a breach of the Councillor Code.
- (3) Where after the filing of a Disclosure Statement under subsection (1) or (2) there is a change in the information filed, the Councillor shall report the change to Council no later than 60 days after the change occurred and file with the City Clerk an amended Disclosure Statement.
69. A Disclosure Statement filed by a Councillor shall include the following information in relation to the Councillor and their Spouse or Cohabiting Partner:
- (a) ownership of real property or an interest in real property within the City;
 - (b) corporations in which 10% or more shares are held;
 - (c) partnerships and sole proprietorships in which 10% or more interest is held;
 - (d) ownership of businesses located within the City;
 - (e) corporations, associations, or trade unions in which a position of director or executive officer is held;
 - (f) sources of income; and
 - (g) any other information Council determines necessary.

70. All Disclosure Statements shall be reviewed at a Special Meeting of Council no later than 30 days after filing.
71. All Disclosure Statements shall be made available to the public during normal City business hours.

GIFTS AND PERSONAL BENEFITS

72. A Councillor shall not accept any fee, advance, gift, or personal benefit from persons or corporations who are engaged in business with the City or have the potential to influence decision making at the City, except as permitted under section 75.
73. A Councillor shall not accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of their duties.
74. A fee, advance, gift, or personal benefit provided with a Councillor's knowledge to a Relative or friend that is connected directly or indirectly to the performance of the Councillor's duties is deemed to be a gift for the purposes of this Councillor Code.
75. Notwithstanding sections 73 and 74, a Councillor may accept a fee, advance, gift, or personal benefit in the following circumstances:
 - (a) the gift or benefit is compensation as authorized by law;
 - (b) the gift or benefit would normally accompany the responsibilities of the position and are received as an incident of protocol or social or professional obligation;
 - (c) the gift or benefit is a token of appreciation that does not exceed \$500.00 given in recognition of service to the City;
 - (d) the gift or benefit is a political Contribution otherwise reported by law in accordance with the *Municipal Elections Act*;
 - (e) the gift or benefit is a suitable memento of a function honouring the Councillor;

- (f) the gift or benefit is food, lodging, transportation, and entertainment provided by Provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar, or event organizer where the Councillor is either speaking or attending in an official capacity;
 - (g) the gift or benefit is food and/or beverages consumed at banquets, receptions, or similar events;
 - (h) the gift or benefit is communications to the offices of a Councillor, including subscriptions to newspapers and periodicals.
76. For gifts given under subsections 75(b)(e)(f)(g) and (h), if the value of the gift or benefit exceeds \$500.00 or if the total value received from any one source during the course of a calendar year exceeds \$500.00, the Councillor shall, within thirty (30) days of receipt of the gift or reaching the annual limit, file a Gift Disclosure Statement with the City Clerk.
77. A Gift Disclosure Statement shall be a matter of public record.
78. Upon receiving a Gift Disclosure Statement, the City Clerk shall request that the City Solicitor examine it to ascertain whether the receipt of the gift or benefit might, in their opinion, create a conflict between a Private Interest and the public duty of the Councillor. In the event that the City Solicitor makes that preliminary determination, they shall call upon the Councillor to justify receipt of the gift or benefit.
79. After consideration of the justification given under section 78, the City Solicitor will determine if receipt of the gift was appropriate. If not appropriate, the City Solicitor may direct the Councillor to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.
80. A Councillor shall follow the direction of the City Solicitor as provided for in section 79, and failure to follow said direction shall be a breach of this Councillor Code.

TRAVEL EXPENSES

81. A Councillor's travel expenditures shall be itemized and published quarterly in the Agenda of Regular Meetings of Council. Itemization of all out of province travel expenditures shall include:
- (a) the name of the person travelling;
 - (b) the event attended;
 - (c) the location of the event attended; and,
 - (d) travel expenses reimbursed by the City.

PART 5
Workplace Protection

PURPOSE

82. The purpose of this Part is to:
- (a) maintain a work environment that is free from harassment and discrimination; and,
 - (b) encourage respect for the dignity and protection of human rights.

DISCRIMINATION, HARASSMENT AND BULLYING

83. The City prohibits discrimination as defined under the Human Rights Act.
84. The City prohibits harassment as defined under the Human Rights Act.
85. For the purposes of this Councillor Code, harassment is defined as any objectionable or offensive behaviour that is reasonably known or ought to be reasonably known to be unwelcome. Harassment may be intended or unintended.
86. The City prohibits any behaviour which is abusive, harassing, intimidating, or threatening towards any Person, and a Councillor is prohibited from any such behaviour.
87. All members of Council shall treat members of the public, one another, Employees, and all Persons appropriately and with respect. No Councillor shall use abusive language, bullying, harassing or intimidation tactics.
88. All members of Council shall endeavor to ensure that the City work environment is free from discrimination, bullying and harassment.

PART 6
Protection of Confidential Information

TRANSPARENCY AND INTEGRITY

89. The City is actively committed to performing functions with integrity, accountability, and transparency.

SPECIAL MEETINGS OF COUNCIL

90. Special Meetings of Council may be held if the subject matter being considered relates to, or is one or more of, the following:
- (a) policy advice or recommendations concerning a matter that is in its preliminary stages and respecting which discussions in public could prejudice Council's ability to carry out its activities or negotiations;
 - (b) legal advice and opinions provided to the City, information that is subject to settlement privilege, solicitor and client privilege or litigation privilege of the City, or information of a Person other than the City that is subject to solicitor and client privilege or any privilege;
 - (c) information harmful to public security or law enforcement matters;
 - (d) information from any workplace investigation;
 - (e) information harmful to intergovernmental relations;
 - (f) information harmful to the financial or economic interests of the City or an Affiliated Entity;
 - (g) information related to the City as an employer, including personnel or labour relations matters or collective bargaining or collective agreements;
 - (h) information harmful to personal privacy, including personal matters about an identifiable individual;
 - (i) information related to the acquisition, sale, lease, and security of Municipal property;

- (j) litigation or potential litigation affecting the City or Affiliated Entities;
- (k) contract negotiations of the City or Affiliated Entities;
- (l) education or training of Councillors; and
- (m) matters pertaining to one of the Exceptions to Access in Division 2 of ATIPPA.

91. In the event of a dispute as to whether or not a matter should be placed on the agenda for a Special Meeting of Council or on the agenda for a Regular Meeting of Council, a majority vote of Council, taken at a Special Meeting, shall determine the appropriate agenda. If said vote results in the matter being placed on the Special Agenda, a Notice shall be published in an agenda of a Regular Meeting stating the category, as outlined in section 90, to which the matter relates.

COMMITTEE REPORTS

92. All Regular Meetings of Council, Committee of the Whole meetings, and Audit Committee meetings shall be open to the public.

DISCLOSURE OF CONFIDENTIAL INFORMATION

93. No Councillor shall disclose or release, in oral or written form, to any Person or corporate body any Confidential Information acquired by virtue of their position, except when required by law or authorized by Council to do so.
94. No Councillor shall use Confidential Information for personal or private gain, or for the gain of any Person or corporation.
95. No Councillor shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
96. No Councillor shall disclose a matter that has been discussed at a Special Meeting of Council or disclose the content of any such matter, or the substance of deliberations, of the Special Meeting unless Council authorizes release of the information.

97. A Councillor shall not have access to the personnel files of Employees, save and except for the City Manager, and access shall only be to the extent required for their role and duties as a Councillor.

PART 7

Miscellaneous

COMPLIANCE WITH OTHER ACTS

98. Where a conflict exists between this Councillor Code and any Provincial or Federal law or regulation, the Provincial or Federal law or regulation shall apply to the extent to which there is a conflict.

REPEALING PREVIOUS BY-LAWS, REGULATIONS, AND AMENDMENTS

99. The following by-laws, regulations, and amendments are repealed:

- (a) *Code of Ethics By-Law;*
- (b) *Conflict of Interest By-Law;*
- (c) *Workplace Human Rights By-Law;*
- (d) *Whistleblower Protection By-Law;* and,
- (e) *Freedom of Information By-Law.*

SEVERABILITY

100. If any provision of this Councillor Code is determined to be illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of this Code shall remain operative and in force.

REVIEW OF THIS CODE

101. The provisions of the Councillor Code and the process prescribed herein shall be reviewed by the City Solicitor and the Director of Human Resources every four (4) years and a review report be prepared for Council. This review report shall be confidential. Council may release details from the review report to the public by a majority vote of Council.

COUNCILLOR CODE TRAINING

102. All Councillors shall receive training related to this Councillor Code within 3 months of its establishment, and all new Councillors elected to Council shall receive training related to this Councillor Code within 3 months of being elected.
103. A Councillor shall not be able to assume their role in Council, or exercise any power, duty, or function as a Councillor until training under section 102 is completed.

ORIENTATION TRAINING

104. A Councillor shall receive orientation training within 1 year of the *Municipal Conduct Act* coming into force. Thereafter, any new Councillors shall receive training within 60 days of being sworn or affirmed into office.

DECISION/DIRECTION NOTE

Title: Code of Conduct for Municipal Officials By-Law

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

That Council enact the St. John's Code of Conduct for Municipal Officials, in compliance with section 18(2) of the *Municipal Conduct Act*, SNL 2021, Chapter M-20.01.

Discussion – Background and Current Status:

Section 18(2) of the *Municipal Conduct Act* states that “Within 6 months of the coming into force of this Act, a council shall establish a code of conduct for municipal officials.”

The Code of Conduct for Municipal Officials has been prepared to comply with this legislative requirement, drawing from provisions of the *Municipal Conduct Act*, its Regulations, templates provided by the Provincial Government, and the 2018 Code of Ethics By-Law which was drafted as result of an independent report of the Honourable Clyde K. Wells, K.C.

The *Municipal Conduct Act* also directs the enacting of a separate Code of Conduct for Councillors, which is the subject of a separate Decision Note.

The Code of Conduct for Municipal Officials was drafted by the Legal Department in consultation with the Human Resources Department.

The Code of Conduct for Municipal Officials applies to all Municipal Officials, with the exception of Councillors, who, as referenced above, are governed by a separate By-Law.

The Code of Conduct for Municipal Officials regulates several areas, including: ethical conduct, conflicts of interest, wrongdoings, disclosure, workplace protection, and protection of confidential information.

The Code of Conduct for Municipal Officials sets out a complaint, investigation, and resolution process for both conflict of interest and wrongdoing complaints against Municipal Officials. Speaking generally, the complaint, investigation, and resolution process will be managed by the Human Resources Department with input from the Legal Department. However, any conflict of interest and/or wrongdoing complaints made against the City Manager will have its

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own process, the resolution of which will necessarily involve Council, as the City Manager reports directly to Council.

The six-month deadline prescribed by the *Municipal Conduct Act*, and that Act's coming into force date of September 1, 2022, require the passage of the Code of Conduct for Municipal Officials by March 1, 2023.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost of Training – Training will be done in-house using current HR and Legal resources. However, there may be a need for additional resources required given the three month time line to train all employees.
2. Partners or Other Stakeholders: All City Departments/Divisions, Members of Council
3. Alignment with Strategic Directions:
 - Effective city – The proposed by-law will ensure accountability and good governance, on the part of Municipal Officials, by providing a regulatory framework for ethical behaviour.
 - Sustainable City – The proposed by-law provides a framework that will ensure financial accountability by Municipal Officials.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:
 - The passage of this By-Law would result in the repeal of the *Code of Ethics By-Law*, the *Conflict of Interest By-Law*, the *Workplace Human Rights By-Law*, the *Whistleblower Protection By-Law*; and the *Freedom of Information By-Law*.
 - The passage of this by-law will result in required training for all City employees, to be provided by Human Resources.
 - The passage of this by-law would create a new process for the complaint process in relation to City Employees being in a Conflict of Interest and/or committing a Wrongdoing.
 - The passage of this By-law will require departments to ensure that their internal policies are consistent with the content of this By-law via a review process and, if necessary, revisions to those policies.

7. Privacy Implications: N/A

8. Engagement and Communications Considerations:

- Training, as provided by Human Resources in consultation with the Legal Department, will make City employees aware of requirements contained in the By-Law.

9. Human Resource Implications:

- The Legal Department solicited input as to drafts of the By-Law from Human Resources and is working with Human Resources to facilitate the required training.

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve and adopt the Code of Conduct for Municipal Officials

Prepared by: Robert Fedder, Legal Counsel

Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

Document Title:	Decision Note - Code of Conduct for Municipal Officials.docx
Attachments:	- Code of Conduct for Employees - Feb 7, 2023 - final.docx
Final Approval Date:	Feb 9, 2023

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 9, 2023 - 11:53 AM

By-Law No. TBD
Title: Code of Conduct for Municipal Officials By-Law
Passed by Council on

Pursuant to the authority conferred under the *City of St. John's Act*, RSNL 1990 c. C-17, and the *Municipal Conduct Act*, SNL 2021 c. M-20.01, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law.

CODE OF ETHICS BY-LAW

SHORT TITLE

1. This By-Law may be cited as the "Code of Conduct for Municipal Officials By-Law" hereinafter referred to as the "Code".

DEFINITIONS

2. In this Code,
 - (a) **"Affiliated Entity"** means any organization, group, foundation, club, or corporation that is affiliated wholly or partially with the City including the St. John's Transportation Commission.
 - (b) **"Annual Disclosure Statement"** means a disclosure statement filed pursuant to sections 114-115 of the Code;
 - (c) **"ATIPPA"** means the *Access to Information and Protection of Privacy Act*, 2015, SNL 2015 c A-1.2 as may be amended from time to time;
 - (d) **"City Manager"** means the City Manager or Acting City Manager appointed under the *City of St. John's Act*;
 - (e) **"Cohabiting Partner"** means a person with whom a Municipal Official is living in a conjugal relationship outside of marriage;
 - (f) **"Complaint"** means a written document alleging that a Municipal Official acted in a conflict of interest or committed a wrongdoing;
 - (g) **"Complainant"** means any person making a Complaint, including members of the public;
 - (h) **"Confidential Information"** means
 - (i) information received in confidence that is prohibited from being disclosed by common law or Municipal, Provincial or Federal statute or is protected from disclosure under ATIPPA or other legislation, which may include

information received in confidence from third parties of a corporate, commercial, scientific, or technical nature, information that is personal, and information that is subject to solicitor-client privilege;

- (ii) information received by the City pertaining to personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation;
 - (iii) matters relating to litigation, negotiations, or personnel;
 - (iv) Information which would reveal the substance of deliberation of a privileged meeting;
 - (v) Draft documents and legal instruments including reports, policies, by-laws and resolutions that have not been the subject matter of deliberation in a meeting open to the public; and
 - (vi) Law enforcement matters.
- (i) **“Conflict of Interest”** means a Municipal Official has a conflict of interest where in the making, or involvement in the making, of a decision
- (i) the Municipal Official's private interests are affected. A decision may affect, directly or indirectly, a Private Interest, where the decision may result in a gain or loss to the Municipal Official's Private Interests or the Private Interests of a Relative and a decision does not affect, directly or indirectly, a Private Interest where the decision affects the Municipal Official or a Relative of a Municipal Official as one of a broad class of the public; or
 - (ii) the Municipal Official is unable to act impartially on behalf of the City due to the Municipal Official's personal relationships. A Municipal Official is unable to act impartially where a reasonable person may conclude that the Municipal Official's personal relationship would result in favoritism or prejudice to the person to whom the Municipal Official has a personal relationship.
- (j) **“Contribution”** means a contribution of money, goods, or services, but does not include a donation by a natural person of their personal services, talents, or expertise or the use of their vehicle where it is given freely and not as part of their work in the service of an employer;
- (k) **"Council"** means St. John's Municipal Council as referred to in section 5 of the *City of St. John's Act*, RSNL 1990 c C-17;

- (l) **“Election”** means a general election, by-election, or special election called under the *Municipal Elections Act*, SNL 2001 c M-20.2, as may be amended from time to time;
- (m) **“Employee”** means any individual, that is employed by the City on a part-time, temporary, full-time, permanent, or contractual basis including all employees of Affiliated Entities, and includes the City Manager;
- (n) **“External Investigator”** means an independent, qualified third party hired to investigate a Complaint;
- (o) **“Gift Disclosure Statement”** means a disclosure statement provided to the City Clerk pursuant to section 109 of this Code and must contain:
 - (i) the nature of the gift or benefit;
 - (ii) the source and date of receipt;
 - (iii) the circumstances under which the gift was received;
 - (iv) the estimated value of the gift; and,
 - (v) whether the gift will at any point be left with the City.
- (p) **“Human Rights Act”** means the *Human Rights Act*, 2010, SNL 2010 c H-13.1 as may be amended from time to time;
- (q) **“Human Resources”** means the Department of Human Resources for the City;
- (r) **“Municipal Official”** means, unless the context indicates otherwise, an Employee of a municipality, including the City Manager, fire chiefs and fire fighters providing services for or to a municipality, and employees of the St. John’s Transportation Commission.
- (s) **“Political Activity”** is applicable to Municipal, Provincial and Federal politics, and includes:
 - (i) seeking nomination or being a candidate in an election;

or

 - (ii) actively canvassing or campaigning for a political party or a candidate.
- (t) **“Private Interest”** includes:
 - (i) an asset, liability or financial interest;

- (ii) a source of income;
- (iii) a position of director or executive officer in a corporation, association or trade union, whether for profit or not for profit;
- (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;
- (v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an entity of a Council, with respect to any matter related to the administration or negotiation of the collective agreement, and
- (vi) a benefit or award,

but does not include an excluded private interest, which means:

- (i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;
 - (ii) a position of director or executive officer in a Municipal entity or Municipal corporation;
 - (iii) membership in a Council committee;
 - (iv) purchase or ownership of a Municipal debenture;
 - (v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and
 - (vi) a benefit or award of a value less than \$500.00 as prescribed in the *Municipal Conduct Act* regulations.
- (u) **“Protected Ground”** are those grounds of discrimination outlined in subsection 9(1) of the *Human Rights Act*;
- (v) **"Relative"** means:
- (i) a spouse or cohabiting partner;
 - (ii) a child, step-child, parent, step-parent, sibling, step-sibling, parent-in-law or sibling-in-law of the Municipal Official; and

- (iii) a person not referred to in subparagraphs (i) and (ii) who resides with the Municipal Official.
- (w) **“Report”** means any written reports generated through the Complaint process;
- (x) **“Reprisal”** means any measure taken or threatened against a Municipal Official as a result of making or being suspected of making a Complaint, or participating in or being suspected of participating in an investigation;
- (y) **“Respondent”** means a Municipal Official that is the subject of a Complaint;
- (z) **“Senior Management”** means the City Manager, City Clerk, City Solicitor, City Internal Auditor, all Deputy City Managers and all Directors.
- (aa) **“Special Meeting”** or **“Special Meeting of Council”** means a meeting held pursuant to section 40 of the *City of St. John’s Act* and are confidential and shall have the same meaning as “privileged meeting” as set out in s. 2 of the *Municipal Conduct Act*.
- (bb) **“Spouse”** means a person who is married to a Municipal Official, unless that person and the Municipal Official have made a separation agreement, or their support obligations and family property have been dealt with by a Court order;
- (cc) **“Volunteer”** means any individual that provides service on a volunteer basis for the City or Affiliated Entity;
- (dd) **“Wrongdoing”** means:
 - (i) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including a municipal by-law or regulation; or
 - (ii) any breach of this Code whatsoever.

APPLICATION

- 3. This Code applies to all Municipal Officials acting in their official capacity, as well as to their off duty conduct when that off duty conduct is sufficiently connected to the business of the City or their conduct could reasonably discredit the reputation of the City, unless otherwise stated herein, at:
 - (i) City buildings, facilities, sites, offices or work environments;
 - (ii) locations visited by Municipal Officials while traveling on City-related business;

- (iii) conferences, meetings, vendor/supplier or customer sites;
- (iv) locations of work-based social gatherings; and
- (v) any location, physical or virtual while making comments pertaining to the City.

PURPOSE

4. The purpose of this Code is to:
- (a) encourage and maintain public confidence and trust in governance and administration of the City;
 - (b) promote integrity in the conduct of the affairs and operations of the City;
 - (c) provide Municipal Officials with guidelines for identifying, resolving and/or avoiding conflicts of interest, breaches of trust and unethical behaviour;
 - (d) encourage a respectful organization that is free from harassment and unlawful discrimination;
 - (e) promote transparency in governance;
 - (f) promote the protection of Confidential Information;
 - (g) promote high standards of professional conduct and values among Municipal Officials;
 - (h) establish rules of conduct for Municipal Officials; and
 - (i) comply with requirements set out in the *Municipal Conduct Act*, SNL 2021 Chapter M-20.01, as may be amended from time to time.

STATUTORY PROVISIONS REGULATING ETHICAL CONDUCT

- 5.(1) This Code operates along with and as a supplement to the existing statutes, as amended from time to time, governing the conduct of Municipal Officials including but not limited to:
- (a) *City of St. John's Act*;
 - (b) *Criminal Code of Canada*, RSC 1985 c C-46;
 - (c) *Municipal Elections Act*;

- (d) *ATIPPA*;
 - (e) *Occupational Health and Safety Act*;
 - (f) *Human Rights Act*; and
 - (g) *Municipal Conduct Act*.
- (2) Notwithstanding subsection (1), where a Federal or Provincial statute conflicts with this Code, the Federal or Provincial statute shall apply.

PART I
Ethical Conduct

CONDUCT AND RESPECT

6. All Municipal Officials shall abide by and are bound by the City's Respectful Workplace Policy. A breach of this policy shall be deemed a breach of this Code.

DUTY OF A MUNICIPAL OFFICIAL

7. A Municipal Official shall ensure that their actions do not place the interests of the City at risk or harm.
8. A Municipal Official shall not make any negative public statements about the City in any medium.
9. Any opinions expressed in public by a Municipal Official shall be solely for the purposes of genuine political discourse and must be objective, motivated by legitimate concern, accurate and factual, not malicious, and not include any information obtained through their employment with the City.

USE OF CITY PROPERTY, SERVICES, AND OTHER RESOURCES

10. No Municipal Official shall use, or permit the use of, City land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the City, except with the written permission of the City Manager or Council.
11. No Municipal Official shall obtain personal gain, financial or otherwise, from the use or sale of City property, including but not limited to, intellectual property, computer programs, technical innovations, or other items capable of being patented, except with the written permission of the City Manager or Council.
12. No Municipal Official shall obtain any personal gain, financial or otherwise, from the use or sale of information obtained through their position with the City.
13. A Municipal Official shall not engage in any conduct for any other organization than the City during their work hours, except with the permission of their manager.
14. Municipal Officials shall not steal property of the City and shall follow all policies and procedures mandated by the Department of Finance and Administration regarding the handling and accounting of City property.

MISUSE OF PUBLIC ASSETS AND FRAUD

15. Municipal Officials must report all expenses promptly, accurately, and with sufficient detail as set out by the City. A Municipal Official shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
16. Municipal Officials must not request, use, or permit the use of City-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the City Manager.

SOCIAL MEDIA

17. Municipal Officials must not engage in conduct on personal or City social media platforms which would bring the integrity of the City into disrepute.
18. Municipal Officials must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting City business on personal devices or through personal accounts.

POLITICAL ACTIVITY

19. Nothing in this section shall prohibit or discourage any Municipal Official from voting in any election.
20. A Municipal Official shall not engage in any Political Activity during work hours or while representing the City.
21. A Municipal Official shall not use City resources, including but not limited to facilities, equipment or supplies while engaging in Political Activity.
22. A Municipal Official shall not use their title or position in the City in any way that would lead any member of the public to infer the City is endorsing a candidate, political party.
23. Senior Management, Legal Department Staff and Election Staff shall not engage in Political Activity during an Election.
24. Any Municipal Official seeking election to Council shall take an unpaid leave of absence from the time the candidate files their nomination papers until election day. The ability to take leave is subject to any applicable Human Resources policies in place.
25. A Municipal Official shall resign their position with the City if they are elected to Council.

26. Any mandate of the City or task that is within the scope of the Municipal Official's duties shall not be considered Political Activity.

PART II

Conflicts of Interest

AVOIDING CONFLICTS OF INTEREST

27. No Municipal Official shall grant preferential treatment to Relatives or to companies or organizations in which the Municipal Official or their Relatives have a direct Private Interest, and shall refrain, whenever possible, from official dealings with such persons, companies or organizations.
28. No Municipal Official shall use his or her position to promote the hiring of Relatives or friends, to discipline a Relative or friends or to participate in hiring decisions affecting Relatives or friends except with the permission of the Director of Human Resources or the City Manager.

MUNICIPAL OFFICIALS IN CONFLICT

29.
 - (1) No Municipal Official shall work on or speak to any matter before the Council or any committee thereof where they have a Conflict of Interest.
 - (2) A Municipal Official does not have a Conflict of Interest where:
 - (a) the interest relates to a matter of general application that is to be decided by Council that is related to all the citizens of the City or a broad class thereof of which the Municipal Official or Relative is a member; and
 - (b) the interest pertains to an Affiliated Entity.
30. In accordance with section 18(5) of the *Municipal Conduct Act*, the City Manager, within the scope of their employment, may provide advice to Council on a matter in which the City Manager has a Conflict of Interest where:
 - (a) The City Manager disclosed the Conflict of Interest and the nature of the Conflict of Interest to the Council; and
 - (b) The Council made the request for advice knowing of the City Manager's Conflict of Interest.

OBLIGATION TO DISCLOSE

31. Where a Municipal Official has a Conflict of Interest in a matter, they shall advise their direct supervisor and shall not participate in any discussion of or work on the matter once the Conflict of Interest is stated.

POTENTIAL CONFLICT OF INTEREST

32. (a) If the City Manager believes they have a potential Conflict of Interest, they must disclose the potential Conflict of Interest directly to Council and Council shall determine, within a Special Meeting, whether the City Manager is in a Conflict of Interest;
- (b) All other Municipal Officials, including Volunteers, must disclose their potential Conflict of Interest to their supervisor, Human Resources, or the Legal Department and a determination shall be made as to whether the Municipal Official is in a Conflict of Interest.

CONFLICT OF INTEREST COMPLAINTS AGAINST CITY MANAGER

33. Where an individual believes the City Manager was or is in a Conflict of Interest, the individual may file a Complaint with the City Clerk within 6 months of becoming aware of the potential Conflict of Interest. The City Clerk will advise Council within 10 business days of receiving a Complaint.
34. Council, at their discretion, may assign a designate to investigate a Complaint.
35. A Complaint alleging a Conflict of Interest shall be in writing and include the following information:
 - (a) the nature of the Conflict of Interest;
 - (b) the Municipal Official's actions in relation to the Conflict of Interest; and
 - (c) any other information that Council, the City Manager, or their designate determines necessary.
36. Notwithstanding section 35, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.

CONFLICT OF INTEREST INVESTIGATIONS INVOLVING CITY MANAGER

37. For Complaints relating to the City Manager the following procedure will be followed.
38. The City Clerk will advise Council within 10 business days of receiving a Complaint.
39. Council or its designate shall send a copy of the Complaint to the City Manager no later than five business days after receipt of the Complaint.

40. The City Manager may provide a written response to Council no later than 20 business days after receipt of a copy of the Complaint.
41. Where there is a written response, the City Clerk shall send a copy to the Complainant within one business day after receipt of the written response.
42. Council, or Council's designate, shall review the Complaint and the City Manager's written response within 10 business days after receipt of a written response, or where a written response is not provided, Council, or their designate, must review the Complaint within 10 business days after the time period to file the written response has expired, and shall:
 - (a) prepare a written Report of the Complaint;
 - (b) refer the Complaint to a Special Meeting of Council; and
 - (c) give written notice of the referral to the Complainant and the City Manager.
43. No later than 15 business days after receiving the Report, Council shall consider both the Complaint and the Report provided in a Special Meeting of Council, and may, by resolution:
 - (a) dismiss the Complaint;
 - (b) make a determination that the City Manager acted in a Conflict of Interest; or
 - (c) order an investigation by an External Investigator to determine whether the City Manager acted in a Conflict of Interest.
44. The External Investigator shall prepare a Report regarding the investigation and submit it to Council during a Special Meeting of Council.
45. Following review of the Report submitted, Council may, by resolution,
 - (a) dismiss the Complaint; or
 - (b) make a determination that the City Manager acted in a Conflict of Interest.
46. The City Solicitor shall provide a summary of the Complaint and ultimate decision of Council to the public. The summary prepared by the City Solicitor shall not disclose any particulars of the investigation and all Confidential Information shall be withheld.

47. Where Council decides that the City Manager has breached this Code, Council may issue any combination of:
- (a) a written reprimand to the City Manager;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the City Manager's employment; or
 - (d) any other relief as they deem appropriate for the circumstances.

CONFLICT OF INTEREST COMPLAINTS AGAINST MUNICIPAL OFFICIALS, EXCEPTING CITY MANAGER

48. For sections 48-64, a Municipal Official does not include the City Manager.
49. Where an individual believes a Municipal Official, was or is in a Conflict of Interest, the individual may file a Complaint with the City Manager within 6 months of becoming aware of the alleged Conflict of Interest.
50. The City Manager, at their discretion, may assign a designate to investigate a Complaint.
51. A Complaint alleging a Conflict of Interest shall be in writing and include the following information:
- (a) the nature of the Conflict of Interest;
 - (b) the Municipal Official's actions in relation to the Conflict of Interest; and
 - (c) any other information that the City Manager, or their designate determines necessary.
52. Notwithstanding section 51, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.

CONFLICT OF INTEREST INVESTIGATIONS INVOLVING MUNICIPAL OFFICIALS

53. For Complaints relating to Municipal Officials the following procedure will be followed.
54. The City Manager or their designate shall send a copy of the Complaint to the Municipal Official no later than 14 business days after receipt of the Complaint.

55. The Municipal Official may provide a written response to the City Manager or their designate no later than 30 business days after receipt of a copy of the Complaint.
56. Where there is a written response, the City Manager or their designate shall send a copy to the Complainant within seven business days after receipt of the written response.
57. The City Manager, or their designate, shall review the Complaint and the Municipal Official's written response within 15 business days after receipt of a written response, or where a written response is not provided, the City Manager, or their designate, must review the Complaint within 15 business days after the time period to file the written response has expired, and shall:
 - (a) prepare a written summary of the Complaint;
 - (b) refer the Complaint to the City Manager; and
 - (c) give written notice of the referral to the Complainant and the Municipal Official.
58. No later than 15 business days after receiving the summary, the City Manager shall consider both the Complaint and the Report and may:
 - (a) dismiss the Complaint;
 - (b) make a determination that the Municipal Official is or was in a Conflict of Interest; or
 - (c) order an investigation by City Staff or an External Investigator to determine whether the Municipal Official acted in a Conflict of Interest.
59. The City Staff or External Investigator shall prepare a Report regarding the investigation and submit it to the City Manager.
60. Following review of the Report submitted, the City Manager may,
 - (a) dismiss the Complaint; or
 - (b) make a determination that the Municipal Official acted in a Conflict of Interest.
61. Where the City Manager decides that the Municipal Official has breached this Code, the City Manager may issue any combination of:
 - (a) a written reprimand to the Municipal Official;

- (b) a suspension, with or without pay;
- (c) a termination notice for the Municipal Official's employment; or
- (d) any other relief as they deem appropriate for the circumstances.

GENERAL PROVISIONS RELATED TO CONFLICT OF INTEREST INVESTIGATIONS

- 62. No Municipal Official shall make any Reprisal against any Municipal Official who makes a Complaint alleging a Conflict of Interest. A Municipal Official shall, to the best of their ability, ensure no action is taken, which would be reasonably perceived as a Reprisal against any Municipal Official acting in good faith who brings forward a Complaint or information which leads to a Complaint.
- 63. The Municipal Official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with anyone conducting an investigation in the exercise of that person's duties or functions under this Act or the Regulations.
- 64. No Municipal Official shall make or file a vexatious Complaint and to do so is a breach of the Code.

PART III

Reporting Wrongdoings

WHISTLEBLOWER PROTECTION

- 65. The City is committed to the facilitation and disclosure of serious and significant matters in or relating to the City or any Municipal Official that are potentially unlawful or injurious to the public interest.
- 66. No Municipal Official shall take Reprisal against any Municipal Official, member of Council or member of the general public.

REPORTING A WRONGDOING

- 67. Any Municipal Official who has knowledge of Wrongdoing may make a Complaint under this Code within 6 months of becoming aware of the potential Wrongdoing, or pursue another remedy listed in section 81. Municipal Officials with any knowledge of a violation of the Code are encouraged to make a Complaint.

WRONGDOING COMPLAINTS AGAINST MUNICIPAL OFFICIALS, EXCEPTING CITY MANAGER

- 68. For sections 68-89, a Municipal Official does not include the City Manager.
- 69. The Complaint shall be in writing. Notwithstanding the preceding, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
- 70. A request by a Complainant making a Complaint under this Part to remain anonymous can be accepted by Human Resources when it is reasonable to do so, taking into account the public interest.
- 71. A Complainant may withdraw their Complaint in writing or by other means. Notwithstanding, Human Resources or the investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
- 72. A Complainant shall not file a Complaint under this policy which is retributive, made in bad faith, or with malicious intent. A Complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.
- 73. A Complainant shall make a Complaint within 6 months of becoming aware of a Code of Conduct violation. Human Resources may accept Complaints outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

74. Human Resources, or their designate, may in their discretion handle the Complaint through an informal process.
75. If there is a reasonable belief that a Wrongdoing has been committed, any person may make a Complaint.
76. A Complaint shall be signed by the Complainant or their solicitor and filed with Human Resources.
77. A Complaint shall include the following information, if known:
 - (a) The name of the individual alleged to have committed the Wrongdoing;
 - (b) A summary of the Complaint and any steps taken to resolve it;
 - (c) The date that the breach of the Code of Conduct occurred, if known; and
 - (d) A description of how the Complaint can be resolved, if applicable.
78. Human Resources may, at their discretion, designate an individual to review and investigate the Complaint.
79.
 - (1) Where in the opinion of Human Resources, or their designate, the Complaint has no reasonable prospect of being substantiated, Human Resources, or their designate, may dismiss the Complaint and provide notice of the dismissal to the Complainant.
 - (2) Notwithstanding subsection (1), in cases where a Complaint relates to theft, fraud, or any misappropriation of funds the Complaint shall be addressed by the City's Internal Auditor. Where in the opinion of the City Internal Auditor, the Complaint has no reasonable prospect of being substantiated, the City Internal Auditor may dismiss the Complaint and provide notice of the dismissal to the Complainant.

ALTERNATIVE REMEDIAL PROCESS

80. Where it appears to the appropriate authority that the Complaint under this part may be resolved satisfactorily through an informal process and where the Complainant and the Municipal Official consent, Human Resources, or their designate, may engage an external mediator or attempt to resolve the matter in an acceptable manner.
81. Nothing in this Code prohibits a Complainant from pursuing the following remedies:

- (a) a Municipal Official filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the *Human Rights Act*; or
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
82. In the event that a Human Rights complaint or a grievance is filed by an eligible Municipal Official, any Complaint filed with respect to the same matter will not be investigated under this Code.

INVESTIGATION OF COMPLAINTS INVOLVING MUNICIPAL OFFICIALS

83. All Municipal Officials involved with the investigation process shall keep any information disclosed to them through the investigation process confidential.
84. The investigator shall to the fullest extent possible keep the Complainant's identity confidential. It shall not be considered a breach of this Code if the investigator discloses the identity of the Complainant to the Municipal Official.
85. Any investigation shall provide the Municipal Official the opportunity to give a full statement and provide any evidence they may have regarding the Complaint.
86. The investigator may cease an investigation, using their discretion, if they are of the opinion that:
- (a) the subject matter of the disclosure is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly conduct an investigation;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or
 - (g) there is another valid reason for not investigating the disclosure.

87. Upon the conclusion of an investigation the investigator shall present a Report of their findings and conclusions to Human Resources, or their designate. The Complainant and Municipal Official shall receive a copy of the Report. This Report shall be confidential and shall not be released to the public without written consent of the Complainant, Municipal Official, and Director of Human Resources, or their designate.

DECISION OF HUMAN RESOURCES

88. After review of the Report, where Human Resources, or their designate, decides that a Municipal Official has not committed a Wrongdoing, they shall dismiss the Complaint.
89. Where Human Resources, or their designate, decides that a Municipal Official has breached this Code, Human Resources, or their designate, may issue any combination of:
- (a) a written reprimand to the Municipal Official;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the Municipal Official's employment; or
 - (d) any other relief as they deem appropriate for the circumstances.

WRONGDOING COMPLAINTS AGAINST CITY MANAGER

90. Where an individual believes the City Manager has committed a Wrongdoing, the individual may file a Complaint with the City Clerk within 6 months of becoming aware of the Wrongdoing. The City Clerk will advise Council within 10 business days of receiving a Complaint and provide the Complaint to Council at a Special Meeting of Council.
91. Upon being presented with the Complaint, Council shall review the Complaint and upon review of the Complaint, where Council decide that the Complaint has no reasonable prospect of being substantiated, Council may dismiss the Complaint and provide notice of the dismissal to the Complainant.
92. If upon reviewing the Complaint it is not dismissed by Council, the City Clerk shall transfer the Complaint to the City Solicitor for facilitation of the Complaint.
93. A Complaint shall include the following information, if known:
- (a) The name of the individual alleged to have committed the Wrongdoing;
 - (b) A summary of the Complaint and any steps taken to resolve it;

- (c) The date that the breach of the Code of Conduct occurred, if known; and
- (d) A description of how the Complaint can be resolved, if applicable.

ALTERNATIVE REMEDIAL PROCESS

- 94. Where the Complainant and the City Manager consent, the City Solicitor shall engage an external mediator to resolve the matter.
- 95. Nothing in this Code prohibits a Complainant from pursuing the following remedies:
 - (a) a Municipal Official filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the *Human Rights Act*; or
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
- 96. In the event that a Human Rights complaint or a grievance is filed by an eligible Municipal Official, any Complaint filed with respect to same matter will not be investigated under this Code.

INVESTIGATION OF COMPLAINTS INVOLVING CITY MANAGER

- 97. Where the Complainant and/or City Manager do not consent to an alternative remedial process, or where an unsuccessful attempt has been made to resolve the Complaint satisfactorily through an informal process, the City Solicitor shall engage an External Investigator to carry out an investigation.
- 98. All Municipal Officials involved with the investigation process shall keep any information disclosed to them through the investigation process confidential.
- 99. The External Investigator shall to the fullest extent possible keep the Complainant's identity confidential. It shall not be considered a breach of this Code if the External Investigator discloses the identity of the Complainant to the City Manager.
- 100. Any investigation shall provide the City Manager the opportunity to give a full statement and provide any evidence they may have regarding the Complaint.
- 101. The External Investigator may cease an investigation, using their discretion, if they are of the opinion that:

- (a) the subject matter of the disclosure is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly conduct an investigation;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or
 - (g) there is another valid reason for not investigating the disclosure.
102. Upon the conclusion of an investigation the External Investigator shall present a Report of their findings and conclusions to Council at a Special Meeting. The Complainant and the City Manager shall receive a copy of the Report. This Report shall be confidential and shall not be released to the public without written consent of the Complainant, City Manager, and Council.
103. After review of the Report, where Council decides that the City Manager has not committed a Wrongdoing, they shall dismiss the Complaint.

DISCIPLINE OF CITY MANAGER FOR WRONGDOING

104. Where Council determines that City Manager has contravened this Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:
- (a) a written reprimand to the City Manager;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the City Manager's employment; or
 - (d) any other relief as they deem appropriate for the circumstance.

Part IV
Disclosure

GIFTS AND PERSONAL BENEFITS

105. A Municipal Official shall not accept any fee, advance, gift, or personal benefit from persons or corporations who are engaged in business with the City or have the potential to influence decision making at the City, except with the consent of the Council or as permitted under section 108.
106. No Municipal Official shall accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of their duties.
107. A fee, advance, gift, or personal benefit provided with a Municipal Official's knowledge to a Relative or friend that is connected directly or indirectly to the performance of the Municipal Official's duties is deemed to be a gift for the purpose of the Code.
108. Notwithstanding sections 105 and 106, a Municipal Official may accept a fee, advance, gift, or personal benefit in the following circumstances:
- (a) the gift or benefit is compensation as authorized by law;
 - (b) the gift or benefit would normally accompany the responsibilities of the position and are received as an incident of protocol or social or professional obligation;
 - (c) the gift or benefit is a token of appreciation that does not exceed \$50.00 given in recognition of service to the City;
 - (d) the gift or benefit is a political contribution otherwise reported by law;
 - (e) the gift or benefit is given to the Municipal Official for the general use, benefit or enjoyment of a department as a whole;
 - (f) the gift or benefit is a suitable memento of a function honouring the Municipal Official;
 - (g) the gift or benefit is food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Municipal Official is either speaking or attending in an official capacity;

- (h) the gift or benefit is food and/or beverages consumed at banquets, receptions or similar events;
 - (i) the gift or benefit is communications to a department, including subscriptions to newspapers and periodicals; and,
 - (j) the gift or benefit is in the form of sponsorships and donations for charitable groups or events organized or run by a Municipal Official or a third party on behalf of a Municipal Official.
109. For gifts given under subsections 108(b)(e)(f)(g)(h)(i) and (j), if the value of the gift or benefit exceeds \$500.00 or if the total value received from any one source during the course of a calendar year exceeds \$500.00, a Municipal Official shall, within 30 days of receipt of the gift or reaching the annual limit, file a Gift Disclosure Statement with the City Clerk.
110. The Gift Disclosure Statement shall be a matter of public record.
111. Upon receiving a Gift Disclosure Statement, the City Clerk shall request that the City Solicitor examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Municipal Official. In the event that the City Solicitor makes that preliminary determination, they shall call upon the Municipal Official to justify receipt of the gift or benefit.
112. After consideration of the justification given under section 111, the City Solicitor will determine if receipt of the gift was appropriate. If not appropriate, the City Solicitor may direct the Municipal Official to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.
113. A Municipal Official shall follow the direction of the City Solicitor as provided for in section 112, and failure to follow said direction shall be a breach of the Code.

DISCLOSURE

114. (1) Within 30 days of commencing employment, and each year on or before March 1, the City Manager shall file with the City Clerk a Disclosure Statement disclosing assets and interests in accordance with s 4(2) of the *Municipal Conduct Act*.
- (2) Where, after the filing of a statement under subsection (1) there is a change in the information filed, the City Manager shall report the Change to Council no later than 60 days after the change occurred and file with the City Clerk an amended Disclosure Statement.
115. The City Manager shall disclose in the Annual Disclosure Statement,

- (a) ownership of real property or an interest in real property within the municipality;
 - (b) corporations in which 10% or more shares are held;
 - (c) partnerships and sole proprietorships in which 10% or more interest is held;
 - (d) ownership of businesses located within the municipality;
 - (e) corporations, associations or trade unions in which a position of director or executive officer is held;
 - (f) sources of income; and
 - (g) any other information the council determines necessary.
116. All Disclosure Statements shall be reviewed at a Special Meeting of Council no later than 30 days after filing.
117. All Disclosure Statements shall be made available to the public during normal City business hours.

TRAVEL EXPENSES

118. Travel expenditures by Municipal Officials shall be itemized and published quarterly in the Agenda of Regular Meetings of Council. Itemization of all out of province travel expenditures shall include:
- (a) the name of the person travelling;
 - (b) the event attended;
 - (c) the location of the event attended; and,
 - (d) travel expenses reimbursed by the City.

PART V

Workplace Protection

PURPOSE

119. The purpose of this Part is to:

- (a) maintain a work environment that is free from harassment and unlawful discrimination; and,
- (b) encourage respect for the dignity and protection of human rights.

DISCRIMINATION AND HARASSMENT

120. The City prohibits discrimination as defined under the *Human Rights Act*, as amended from time to time.

121. The City prohibits harassment, as defined under the *Human Rights Act*.

122. For the purposes of this Code, harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended.

123. All Municipal Officials shall treat members of the public, one another, Members of Council, and all individuals appropriately and with respect. No Municipal Official shall use harassment, abusive language, bullying or intimidation tactics.

124. All Municipal Officials shall endeavor to ensure that the City work environment is free from discrimination, bullying and harassment.

125. The City prohibits a Municipal Official using their authority or influence in a manner that could reasonably be perceived as coercing or improperly influencing the actions of any individual.

PART VI
Protection of Confidential Information

TRANSPARENCY AND INTEGRITY

- 126. The City is actively committed to performing functions with integrity, accountability, and transparency.
- 127. The City recognizes that the public has a right to open government and transparent decision making.

COMMITTEE REPORTS

- 128. All Regular Meetings of Council, Committee of the Whole meetings, and Audit Committee meetings shall be open to the public.

DISCLOSURE OF CONFIDENTIAL INFORMATION

- 129. No Municipal Official shall disclose or release, in oral or written form, to any member of the public, any Confidential Information acquired by virtue of their position, except when required by law or authorized by Council to do so.
- 130. No Municipal Official shall use Confidential Information for personal or private gain, or for the gain of any individual or corporation.
- 131. No Municipal Official shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
- 132. No Municipal Official shall disclose a matter that has been discussed at a Special Meeting of Council or disclose the content of any such matter, or the substance of deliberations, of the Special Meeting unless Council authorizes release of the information.
- 133. A Municipal Official shall not have access to the personnel files of Employees, unless it is required to fulfill the duties of their employment with the City.

PART VII

Miscellaneous

COMPLIANCE WITH OTHER ACTS

134. Where a conflict exists between this Code and any Provincial law or regulation, the Provincial law or regulation shall apply to the extent to which there is a conflict.

REPEALING PREVIOUS BY-LAWS, REGULATIONS, AND AMENDMENTS

135. The following by-laws, regulations, and amendments are repealed:

- (a) *Code of Ethics By-Law;*
- (b) *Conflict of Interest By-Law;*
- (c) *Workplace Human Rights By-Law;*
- (d) *Whistleblower Protection By-Law;* and,
- (e) *Freedom of Information By-Law.*

SEVERABILITY

136. If any provision of this Code is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of this Code shall remain operative and in force.

REVIEW OF THIS CODE

137. The provisions of the Code and the process prescribed herein shall be reviewed by the City Solicitor and the Director of Human Resources every four (4) years and a review report be prepared for Council's review. This review report shall be confidential. Council may release details from the review report to the public by a majority vote of Council.

CODE TRAINING

138. All Municipal Officials shall receive training related to this Code within 3 months of its establishment, and all new Municipal Officials shall receive training related to this Code within 3 months of commencing employment.

DECISION/DIRECTION NOTE

Title:	Request for Accessory Building Extension in the Floodplain Buffer and Variance – 36 Smithville Crescent – INT2300001
Date Prepared:	February 7, 2023
Report To:	Regular Meeting of Council
Councillor and Role:	Councillor Jamie Korab, Development
Ward:	Ward 4

Decision/Direction Required: To seek approval for an extension to the Accessory Building within the Floodplain Buffer and a 0.83% Variance at 36 Smithville Crescent.

Discussion – Background and Current Status:

An application was submitted for the replacement of an Accessory Building at 36 Smithville Crescent, which was destroyed by fire. The previous Accessory Building was 74.13 m² and located at the rear of the property in the Floodplain Buffer, with a small portion of the building within the Floodplain.

Subject to Section 7.5(g) “Non-Conforming” Use regulations, the portion of the Accessory Building located within the Floodplain is permitted to be rebuilt as it was used for residential purposes and was destroyed by fire. As part of the rebuild, the applicant is proposing to expand the footprint of the Accessory Building by 26m². This extension will be located within the Floodplain Buffer and is subject to Council’s approval under Section 4.10.4(a). Residential Accessory Buildings do not require consultation by the Environment and Sustainability Experts Panel prior to Council’s consideration.

Accessory Buildings must adhere to Section 6.2 of the St. John’s Development Regulations and shall be located a minimum of 1.2 metres from any Lot Line. The proposed extension, which is in alignment with the existing Accessory Building, is setback 1.19 metres from the rear property boundary; therefore, the applicant is requesting a 0.83% Variance to allow a reduced setback. Section 7.4 of the Development Regulations provides that up to a 10% variance from any applicable requirement can be considered.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Abutting property owners.

ST. JOHN’S

3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 4.10 (4) and (6) "Waterways, Wetlands, Pond or Lakes", Section 6.2 "Accessory Building", Section 7.4 "Variances" and Section 7.5 "Non-Conforming".
7. Privacy Implications: Not applicable.
8. Engagement and Communications: Written notices were sent to all persons whose land abuts the Development that is the subject of the Variance.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve the extension of the Accessory Building within the Floodplain Buffer and a 0.83% Variance to allow a reduced setback from the Lot Line at 36 Smithville Crescent.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Development Committee - Accessory Building Variance - 36 Smithville Crescent - INT2300001.docx
Attachments:	- 36 SMITHVILLE CRESCENT.pdf
Final Approval Date:	Feb 7, 2023

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Feb 7, 2023 - 1:44 PM



CAPP

34

40

SMITHVILLE CRES

R1

93

31

DECISION/DIRECTION NOTE

Title: Crown Land Lease in the Agricultural Zone – Fowler’s Road - CRW2300001

Date Prepared: February 7, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 5

Decision/Direction Required: To seek approval for a Crown Land Lease on Fowler’s Road.

Discussion – Background and Current Status: The Provincial Department of Fisheries, Forestry and Agriculture has referred an application for a Crown Land Lease on Fowler’s Road for 11.3 hectares of land. The land is zoned Agriculture (AG) and the proposed Agricultural Use for an apiary (bee farm), honey production, bee forage and bee hives, is a Permitted Use in the Zone.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John’s Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John’s Development Regulations Section 10 “Agricultural (AG) Zone”.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Not applicable.

ST. JOHN’S

9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve the proposed Crown Land Lease for 11.3 hectares of land on Fowler's Road, which will be subject to the submission of a Development Application should the Crown Land Lease be approved by the Provincial Department of Fisheries and Land Resources.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Development Committee - Crown Land Lease - Fowlers Road - CRW2300001.docx
Attachments:	- FOWLER'S ROAD CRW2300001.pdf
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Feb 8, 2023 - 11:57 AM

SUBJECT PROPERTY
Brown's Family Farm

E-160789
Brown's Family Farm LTD

RUR

AG

FOWLER'S RD

AG

F

DECISION/DIRECTION NOTE

Title: Notices Published – 255 Bay Bulls Road - DEV2200172

Date Prepared: February 7, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 5

Decision/Direction Required:

An application for the Expansion of Non-Conforming Use has been submitted by All-For-Juan Garage Inc. at 255 Bay Bulls Road.

Discussion – Background and Current Status:

The proposed application is for the Expansion of the Non-Conforming Use for a Commercial Garage within the existing Building. The Garage will expand to occupy the floor area previously occupied by the Retail Use (furniture store, 245m²) for a total floor area of 455m². The new portion of the garage will contain a bodywork shop with a paint booth. Hours of operation will be the same as the existing Garage; 7 days a week, 8 a.m. to 6 p.m. On-site parking is provided. The proposed application site is in the Commercial Neighbourhood (CN) Zone.

No submissions were received.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Envision Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.

ST. JOHN'S

6. Legal or Policy Implications: St. John's Development Regulations Section 7.5 "Non-Conforming" and Section 10 "Commercial Neighbourhood (CN) Zone".
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least twice and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve an Expansion of Non-Conforming Use application for a Commercial Garage at 255 Bay Bulls Road to allow a body workshop with a paint booth.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Notices Published - 255 Bay Bulls Road.docx
Attachments:	- DEV2200172-255 BAY BULLS ROAD.pdf
Final Approval Date:	Feb 8, 2023

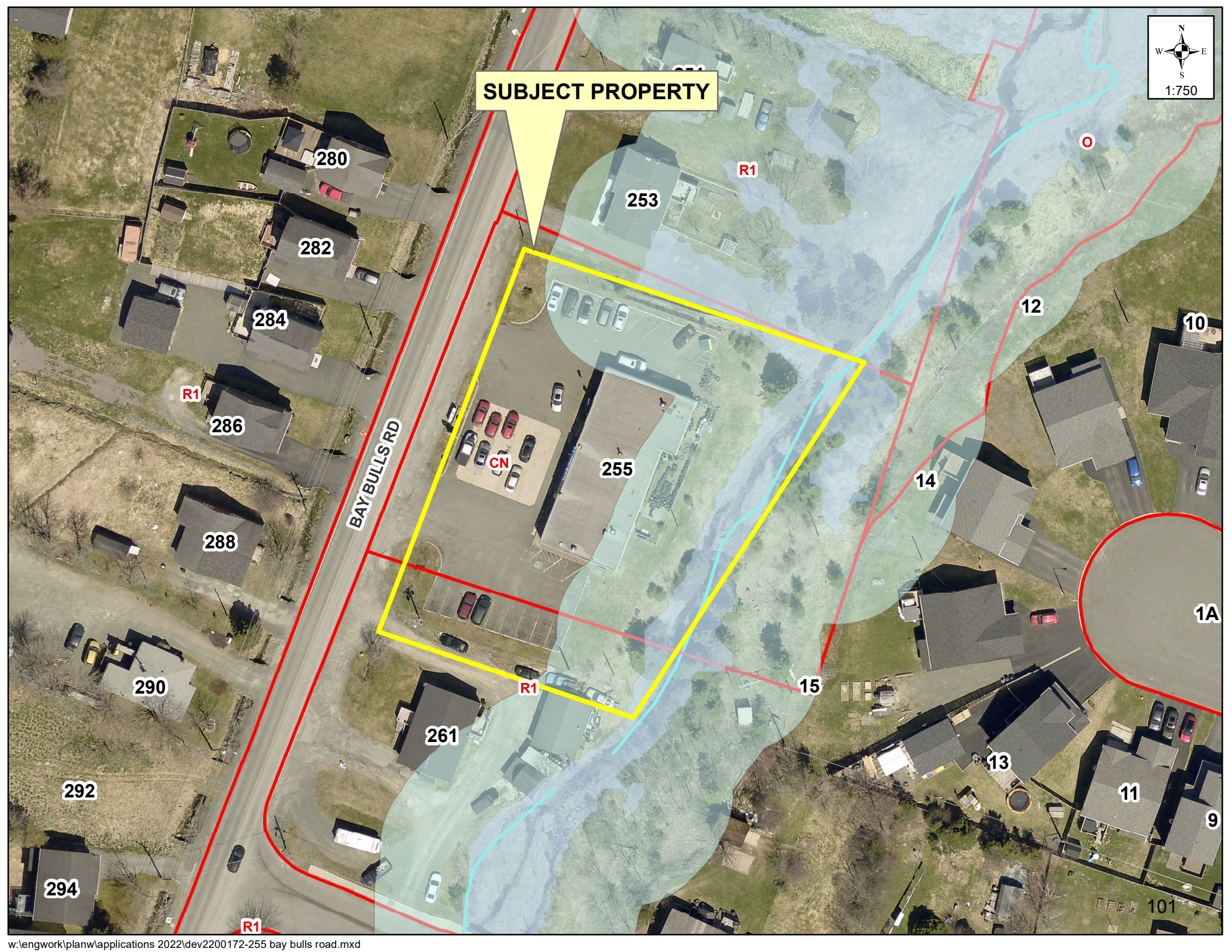
This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Feb 7, 2023 - 2:15 PM

Jason Sinyard - Feb 8, 2023 - 11:58 AM



SUBJECT PROPERTY



DECISION/DIRECTION NOTE

Title: Notices Published – 33 Trinity Street - DEV2200173

Date Prepared: February 7, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 3

Decision/Direction Required:

A Discretionary Use application has been submitted for 33 Trinity Street.

Discussion – Background and Current Status:

The application is a Home Occupation for an Esthetics Spa operating as SpaJuvenation. The spa room is within the Dwelling and has an area of 8.5m². Hours of operation are Monday 12 p.m. to 9 p.m.; Tuesday, Wednesday, and Thursday 10 a.m. - 9 p.m.; Friday 10 a.m. to 4 p.m. and Saturday 3 p.m. - 5 p.m. The business will have one employee. Parking is provided onsite. The proposed application site is zoned Residential 1 (R1).

Two submissions were received. Concerns raised included increased traffic and commercial signage for the property. The Transportation Engineering division reviewed the application. Based on the hours of operations and the intensity of the land use they did not have concerns regarding the proposed Home Occupation. Regarding existing traffic in the area, no requests for a traffic calming evaluation on Trinity Street have been received and, as such, has not been identified as an area of concern at this time. The applicant has not applied for signage at this time.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

ST. JOHN'S

4. Alignment with Adopted Plans: St. John's Envision Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 6.18 "Home Occupation", Section 10.5 "Discretionary Uses" and Section 10 "Residential 1 (R1) Zone".
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least twice and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve the Discretionary Use application for a Home Occupation at 33 Trinity Street for an Esthetics Spa.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Notices Published - 33 Trinity Street.docx
Attachments:	- DEV2200173-33 TRINITY STREET.pdf
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Feb 7, 2023 - 2:01 PM

Jason Sinyard - Feb 8, 2023 - 11:59 AM



SUBJECT PROPERTY

TRINITY ST

CARBONEAR PL

RENEWS ST

R1

R1

R1

30

32

34

36

38

27

29

31

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105

Karen Chafe

From: [REDACTED]
Sent: Wednesday, February 1, 2023 2:46 PM
To: CityClerk
Subject: (EXT) Reference: A discretionary Use Application for 33 Trinity Street

Re: [REDACTED]

[REDACTED] and would like to register our OBJECTION for any type of use other than residential. [REDACTED]
[REDACTED] like the majority on this street yet, are seeing younger families move back here.

Currently, we have to contend with speeding traffic at peak times from those who avoid the traffic lights on Canada Drive and Cowan Ave.along with someone who now wants to add a business on the street creating more traffic.

Please consider our objection to this application request and maintain this as a residential street.

Karen Chafe

From: [REDACTED]
Sent: Tuesday, February 7, 2023 10:14 AM
To: CityClerk
Subject: (EXT) Discretionary use application 33 Trinity St St John's

While we support this application we have concern with respect to signage.

We respectfully request that lawn signage not be permitted .

We feel that lawn signage would make our residential area more in keeping with a commercial zone and not conducive to a well kept residential area of St. John's.

[REDACTED]

Sent from my iPhone

**Development Permits List
For January 26 to February 1, 2023**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Subdivision & Consolidation of land only	342 & 348-350 Back Line	5	Approved	23-02-07

*** Code Classification:**

RES - Residential	INST - Institutional
COM - Commercial	IND - Industrial
AG - Agriculture	
OT - Other	

**** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.**

**Lindsay Lyghtle Brushett
Supervisor – Planning & Development**

Permits List

Council's February 13, 2023, Regular Meeting

Permits Issued: 2023/02/02 to 2023/02/08

BUILDING PERMITS ISSUED

Residential

Location	Permit Type	Structure Type
10 Crestview Pl	Renovations	Single Detached Dwelling
116 Circular Rd	Renovations	Single Detached w/ apt.
15 Dunkerry Cres	Renovations	Single Detached Dwelling
174 Forest Rd	Change of Occupancy	Single Detached Dwelling
18 Bristol St	Renovations	Accessory Building
22 Claddagh Rd	Fence	Fence
22 Claddagh Rd	Accessory Building	Accessory Building
22 Claddagh Rd	Site Work	Swimming Pool/Hot Tub
26 Duckworth St	Renovations	Townhousing
27 Borden St	Renovations	Single Detached Dwelling
278 Frecker Dr	Renovations	Single Detached Dwelling
305 Frecker Dr	Deck	Patio Deck
313 Southside Rd	Renovations	Semi Detached Dwelling
32 Claddagh Rd	New Construction	Single Detached Dwelling
4 Ledum Pl	Change of Occupancy	Semi Detached Dwelling
4 Ordnance St	Renovations	Single Detached Dwelling
47 Viking Rd	Renovations	Single Detached w/ apt.
56 Cornwall Cres	Renovations	Single Detached Dwelling
56 Freshwater Rd	Renovations	Single Detached Dwelling
69-71 Howlett's Line	Accessory Building	Accessory Building
90 Pepperwood Dr	New Construction	Single Detached Dwelling

This Week: \$978,236.00

Commercial

Location	Permit Type	Structure Type
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building

10 Pasadena Cres	Renovations	Apartment Building
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10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
10 Pasadena Cres	Renovations	Apartment Building
115 Cavendish Sq	Renovations	Hotel
122 Duckworth St	Change of Occupancy	Service Shop
147 Lemarchant Rd	Renovations	Service Shop
290 Empire Ave	Renovations	Other
319 Hamilton Ave	Change of Occupancy	Retail Store
353 Main Rd	Change of Occupancy/Renovations	Retail Store
42 Ropewalk Lane	Change of Occupancy/Renovations	Clinic
502 Topsail Rd	Change of Occupancy	Mixed Use
653 Topsail Rd	Change of Occupancy	Retail Store
86 O'leary Ave	Change of Occupancy/Renovations	Other
Torbay Rd	Fence	Fence

This Week: \$759,576.48

Government/Institutional

Location	Permit Type	Structure Type
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This Week: \$0.00

Industrial

Location	Permit Type	Structure Type
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This Week: \$0.00

Demolition

Location	Permit Type	Structure Type
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17 Coronation St	Demolition	Townhousing
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This Week: \$74,350.00

This Week's Total: \$1,812,162.48

REPAIR PERMITS ISSUED:

\$0.00

NO REJECTIONS

YEAR TO DATE COMPARISONS			
February 13, 2023			
TYPE	2022	2023	% Variance (+/-)
Residential	\$4,446,917.10	\$4,107,071.00	-8
Commercial	\$4,873,177.10	\$3,622,693.98	-26
Government/Institutional	\$303,788.00	\$0.00	-100
Industrial	\$0.00	\$0.00	0
Repairs	\$122,499.99	\$40,815.00	-67
TOTAL	\$9,746,382.19	\$7,770,579.98	-20
Housing Units (1 & 2 Family Dwelling)	12	8	

Respectfully Submitted,

Jason Sinyard, P.Eng., MBA
Deputy City Manager
Planning, Engineering and Regulatory Services

MEMORANDUM

Weekly Payment Vouchers For The Week Ending February 8, 2023

Payroll

Public Works	\$ 657,013.56
Bi-Weekly Casual	\$ 33,358.49
Accounts Payable	\$ 4,658,505.22

(A detailed breakdown available [here](#))

Total: \$ 5,348,877.27

ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move a motion to amend sub-section 10(3) of the St. John's Heritage By-Law so as to provide Council with the discretion to exempt registered charities from the Heritage Design Standards.

DATED at St. John's, NL this _____ day February, 2023.

COUNCILLOR

ST. JOHN'S

DECISION/DIRECTION NOTE

Title: Hospitality Newfoundland and Labrador 2023 Conference - Gander

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

Approval of travel for Councillor Debbie Hanlon to attend the 2023 Hospitality Newfoundland and Labrador Conference in Gander, NL from Tuesday, February 28th to Thursday, March 2nd, 2023.

Discussion – Background and Current Status:

Hospitality Newfoundland and Labrador's Annual Conference and Trade Show is the largest gathering of tourism stakeholders in the province.

Attendees have the opportunity to network with leaders in the industry and gather valuable information that will affect tourism in the Province. Over 300 delegates, exhibitors and industry partners will be gathered during this three-day event.

Key Considerations/Implications:

1. Budget/Financial Implications: Costs associated with travel, accommodations and registration for the Hospitality Newfoundland and Labrador Conference in Gander. The City of St. John's, as a part of their membership in the organization, is eligible for discounted registration for attendees from the City.
2. Partners or Other Stakeholders: Not applicable
3. Alignment with Strategic Directions:

A Connected City: Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities.

An Effective City: Ensure accountability and good governance through transparent and open decision making.

ST. JOHN'S

4. Alignment with Adopted Plans: Not applicable
5. Accessibility and Inclusion: Not applicable
6. Legal or Policy Implications: Not applicable
7. Privacy Implications: Not applicable
8. Engagement and Communications Considerations: Not applicable
9. Human Resource Implications: Not applicable
10. Procurement Implications: Not applicable
11. Information Technology Implications: Not applicable
12. Other Implications: Not applicable

Recommendation:

That Council approve the travel for Councillor Debbie Hanlon to attend the 2023 Hospitality Newfoundland and Labrador Conference in Gander from February 28th to March 2nd, 2023.

Prepared by: Christine Carter, Legislative Assistant, City Clerk's Department

Approved by: Karen Chafe, City Clerk

Report Approval Details

Document Title:	Hospitality Newfoundland and Labrador - 2023 Conference - Gander - February 28 - March 2, 2023.docx
Attachments:	
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

Karen Chafe - Feb 8, 2023 - 4:08 PM

DECISION/DIRECTION NOTE

Title: Seatrade Cruise Global Conference

Date Prepared: February 6, 2023

Report To: Regular Meeting of Council

Councillor and Role: Deputy Mayor Sheilagh O'Leary, Community Services

Ward: N/A

Decision/Direction Required: Seeking Council approval for Councilor Debbie Hanlon to attend the Seatrade Cruise Global Conference in Fort Lauderdale Florida from March 27 – March 31, 2023.

Discussion – Background and Current Status: Seatrade Cruise Global is an internationally acclaimed trade conference, comprised of one-on-one meetings with cruise line executives, networking events, educational opportunities and trade show. Seatrade connects cruise line industry and top executives with municipalities, port cities and cruise industry contacts to strengthen relationship and generate business opportunities.

Seatrade takes place this year in Fort Lauderdale, Florida from March 27-30, 2023 (travel dates March 27-30/31).

The City of St. John's, the St. John's Port Authority and Cruise NL have partnered again in 2023 to share an appointment schedule and booth space.

Pre-scheduled meetings with cruise line representatives provides a unique opportunity to meet face to face with senior cruise executives, selling the City of St. John's as an attractive destination. Having the a member of Council attend these meetings would demonstrate to cruise line executives and contacts that St. John's supports the cruise tourism industry as we continue to offer the dockside welcome program, work directly with CruiseNL and Newfoundland & Labrador Tourism on familiarization/travel media tours to showcase St. John's as a premier cruise destination in North America.

ST. JOHN'S

Key Considerations/Implications:

1. Budget/Financial Implications: Budget allocation subject to Council approval.
2. Partners or Other Stakeholders: St. John's Port Authority, Cruise NL
3. Alignment with Strategic Directions:

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

A Connected City: Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council approve the travel costs associated for Councillor Debbie Hanlon to attend the Seatrade Cruise Global Conference in Fort Lauderdale Florida from March 27 – March 31, 2023.

Prepared by: Christa Norman, Special Projects Coordinator

Approved by: Erin Skinner, Supervisor of Tourism and Events

Report Approval Details

Document Title:	Seatrade Cruise Global Conference.docx
Attachments:	
Final Approval Date:	Feb 7, 2023

This report and all of its attachments were approved and signed as outlined below:

Erin Skinner - Feb 7, 2023 - 9:18 AM

Tanya Haywood - Feb 7, 2023 - 9:32 AM

DECISION/DIRECTION NOTE

Title: Security Services – Bannerman and Bowring Parks

Date Prepared: February 7, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Sandy Hickman, Public Works

Ward: N/A

Decision/Direction Required:

A decision is required on proceeding with the provision of on-site evening security at Bannerman and Bowring Parks.

Discussion – Background and Current Status:

In recent years, both Bannerman and Bowring Park washrooms and outside amenities have been subjected to frequent incidences of vandalism. Washrooms have incurred damage to: sinks, taps, change tables, doors, towel dispensers etc. Fires have been set and flooding has occurred.

Exterior amenities have been damaged through fire, graffiti, and vandalism. Picnic tables, garbage receptacles, trees, and landscaped beds have also been affected.

Repair and replacement have become significant annual expenditures and resource commitments. To lessen damage, the washrooms at both parks have frequently been closed when staff complete their workday. Once the period of vandalism subsides, the washrooms revert to seasonal operating hours.

Due to excessive vandalism and arson, the washrooms at Bannerman Park are currently closed at the completion of the workday. Engaging a security provider would facilitate washroom availability until 9 pm – 10 pm daily (dependent on the season).

We have received no complaints regarding the closure of the washrooms at the end of the workday.

Key Considerations/Implications:

Budget/Financial Implications:

1. Bannerman Park Security - Annual Cost	\$33,896
Bowring Park Security - Annual Cost	\$27,976
Total Additional Annual Security Cost	\$61,872

2. Partners or Other Stakeholders: N/A

3. Alignment with Strategic Directions/Adopted Plans:

- An Effective City
- A Connected City

4. Legal or Policy Implications: N/A

5. Privacy Implications: N/A

6. Engagement and Communications Considerations: NA

7. Human Resource Implications: NA

8. Procurement Implications: Engage the existing security service provider to administer coverage during the gap between employees completing their workday and the site being serviced by the mobile security provider.

9. Information Technology Implications: N/A

10. Other Implications: N/A

Recommendation:

As this is an unbudgeted expense, Council direction is required on whether or not to provide security at Bannerman and Bowring Parks at the costs noted above.

Prepared by: Brian Head, Manager, Parks and Open Spaces

Approved by: Lynnnann Winsor, Deputy City Manager - Public Works

Report Approval Details

Document Title:	Security Services – Bannerman and Bowring Parks.docx
Attachments:	
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

Brian Head - Feb 7, 2023 - 2:49 PM

Lynnann Winsor - Feb 8, 2023 - 2:44 PM

DECISION/DIRECTION NOTE

Title: 20 Janeway Place, MPA22200005

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 2

Decision/Direction Required:

To consider rezoning 20 Janeway Place from the Open Space (O) Zone to the Apartment 1 (A1) Zone to allow four two-storey Apartment Buildings with a total of 32 units.

Discussion – Background and Current Status:

The City has received an application from NL Housing to rezone land at 20 Janeway Place from the Open Space (O) Zone to the Apartment 1 (A1) Zone to accommodate an apartment building development of 4 two-storey apartment buildings on the 12,445 square-metre lot. Each apartment building will contain 8 units for a total count of 32 units.

The subject property is provincially owned and is designated and zoned Open Space. The property once contained a helicopter landing pad used by the former Janeway Children's Hospital, before the hospital moved to the Health Sciences Centre. The landing pad is still visible on the site. The Open Space Zone was applied to provide a safety buffer of no development around the heli-pad. The lot is not a formal area of recreational open space. A handful of adjacent property owners have expanded beyond their property lines onto the open space area for gardens and parking spots, but these are illegal occupation of provincial land.

The applicant has proposed to rezone to A1 to accommodate the housing development. This is a Rapid Housing Initiative - National Housing Strategy project funded by the Canada Mortgage Housing Corporation (CHMC). The RHI provides funding for the rapid construction of affordable housing. Apartment building is a permitted use in the A1 Zone. A Municipal Plan amendment will be required, but a St. John's Urban Region Regional Plan amendment is not needed, as the property is designated regionally as Urban Development.

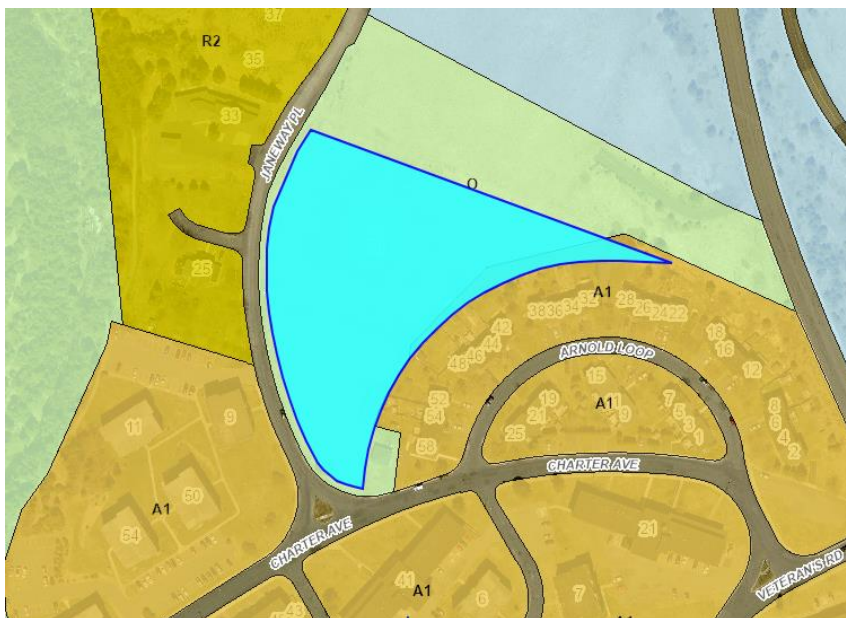
As per Section 4.9(2)(a) of the Envision St. John's Development Regulations, a land use report (LUR) is required for rezonings. However, under Section 4.9(3), where the scale or circumstances of the proposed development does not merit a full land use report, Council may accept a staff report in lieu of one. The applicant has submitted good detail already in a site plan, landscape plan, and renderings of the development, therefore staff recommend accepting a staff report in lieu of a land use report. The staff report will be completed following public consultation.

ST. JOHN'S

Section 4.1 of the Envision St. John's Municipal Plan recognizes that access to adequate and affordable housing is fundamental to quality of life, and enables a range of housing to create diverse neighbourhoods. Further, Section 4.1.1 requires to City to support implementing the City's Affordable Housing Strategy 2019-2028. Section 4.1.3 supports the development of housing that is appropriate, accessible and affordable for low- and moderate-income households. The proposed development meets these policies.

The adjacent properties are primarily zoned A1 with some areas of Residential 2 (R2) along Janeway Place. The A1 Zone would be appropriate in this neighbourhood and the proposed development would increase affordable housing options.

If Council decides to consider this amendment, staff recommend a public meeting chaired by an independent facilitator.



Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners; Province of NL.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.

6. Legal or Policy Implications: Map amendments to the Envision St. John's Municipal Plan and Development Regulations are required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation is required as per Section 4.8 of the Development Regulations.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council consider rezoning 20 Janeway Place from the Open Space (O) Zone to the Apartment 1 (A1) Zone to allow an apartment building development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	20 Janeway Place, MPA2200005.docx
Attachments:	- 20 Janeway Place - Attachments.pdf
Final Approval Date:	Feb 9, 2023

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Feb 9, 2023 - 8:54 AM

Jason Sinyard - Feb 9, 2023 - 9:45 AM



EXISTING ZONING = OPEN SPACE (O)
PROPOSED ZONING = APARTMENT 1 (A1)

PARAMETER	CALC	DESIGN	REQUIRED
TOTAL LOT AREA (MINIMUM)	N/A	12,445 m ²	750 m ²
BUILDING FOOTPRINT (TOTAL)	(416.5m ² X 4)	1666.0 m ²	N/A
BUILDING LOT COVERAGE	1666m ² /12445m ²	13.4%	35% MAX
LOT FRONTAGE	N/A	189.7m	20m MIN
BUILDING HEIGHT	N/A	8.0m	12m MAX
BUILDING LINE	N/A	7.0m	7m MIN
SIDEYARDS	N/A	TWO AT 6.0m	TWO AT 6.0m
REAR YARD	N/A	6.0m	6m MIN
PARKING LOT NORTH SIDE SETBACK	N/A	13.3m	N/A
PARKING LOT SOUTH SIDE SETBACK	N/A	1.1m	N/A
LANDSCAPING	8150m ² /12445m ²	65.5%	35% MIN

APARTMENT BUILDING – (32 UNITS TOTAL – 2 BEDROOMS/UNIT)

1.5 SPACES/UNIT = 48 SPACES (INCLUSIVE OF VISITOR SPACES)

RESIDENTS = 1.0 SPACES/UNIT = 32 SPACES
VISITORS = 0 VISITOR PARKING SPACES FOR THE FIRST 7 DWELLINGS; 1 VISITOR
SPACE PER 7 DWELLINGS THEREAFTER = 3.57

TOTAL = 32 + 3.57 = 35.6 SPACES

SPACES PROVIDED = 37

ACCESSIBLE SPACES REQUIRED = 6% = 2.16 SPACES

ACCESSIBLE SPACES PROVIDED = 3 SPACES = 8.3%

1 BICYCLE PARKING SPACE FOR EVERY 2 RESIDENTIAL UNITS
SPACES REQUIRED = 32 / 2= 16 SPACES
SPACES PROVIDED - 16 SPACES



Verify elevations and/or dimensions on drawing prior to use.
Report any discrepancies to Dillon Consulting Limited.

Do not scale dimensions from drawing.

Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

NOT FOR CONSTRUCTION

DILLON
CONSULTING

						DESIGN	REVIEWED BY
						MDC	SJG
						DRAWN	CHECKED BY
						MDC	SJG
E	EXISTING TREE SURVEY INFORMATION ADDED		2023/01/25	SJG		DATE	
D	REVISED AS PER CITY'S COMMENTS		2022/12/02	SJG			
C	BUILDING #4 REVISED		2022/09/08	SJG			AUG 2022
B	BUILDING #4 ADDED		2022/08/06	SJG			
A	ISSUED FOR REZONING APPLICATION		2022/08/12	SJG		SCALE	1:500
NA	ISSUED FOR		DATE	BY			

NLHC - 2-56 JANEWAY PLACE RE-ZONING APPLICATION

PROJECT NO.
224606

CONCEPTUAL SITE PLAN

SHEET NO.

C1

Janeway Place – Looking East



Janeway Place – Looking East



Janeway Place – Looking North



Janeway Place – Looking South



Parking Lot – Looking North



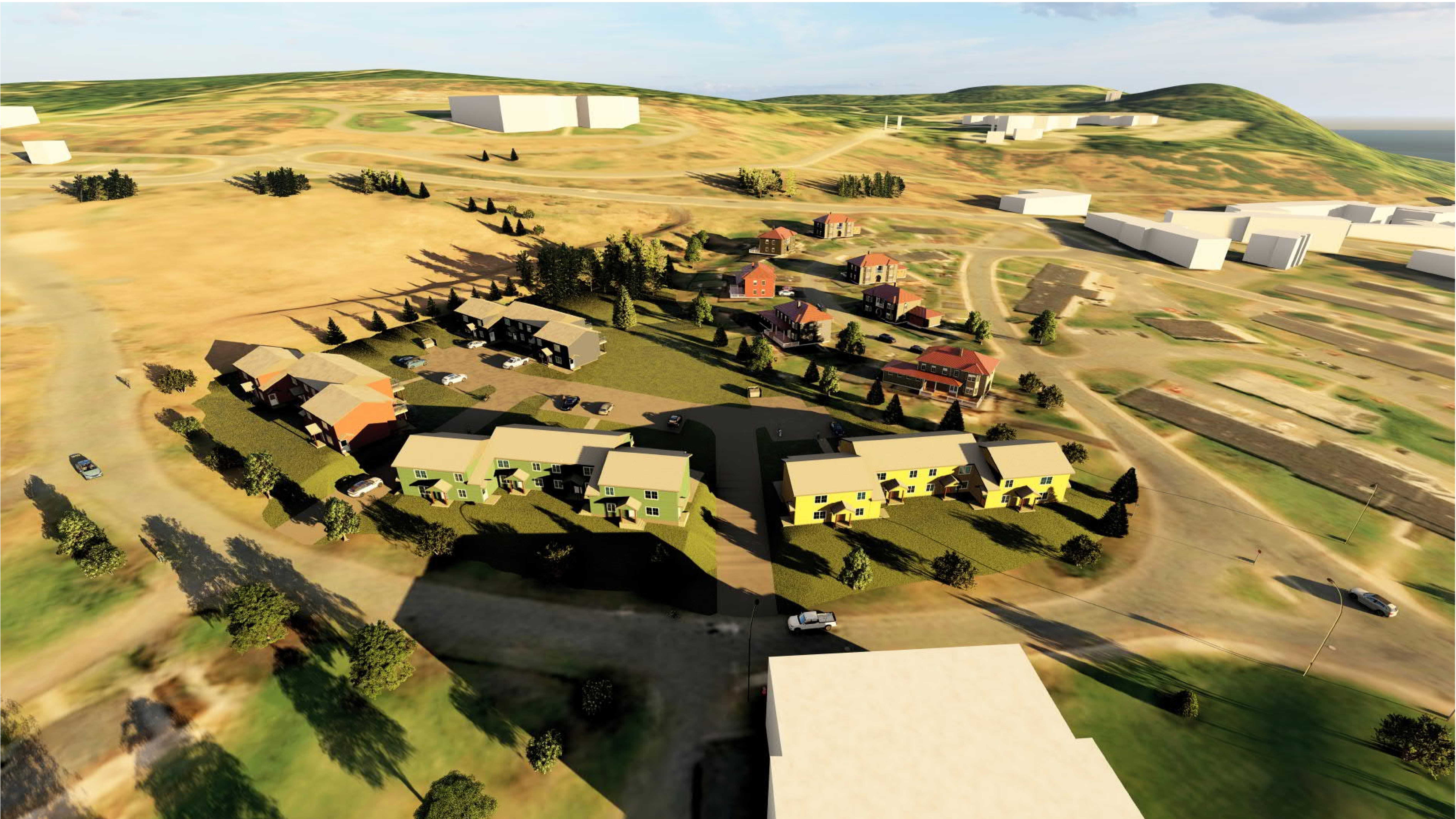
Parking Lot – Looking South



Site Overview - A



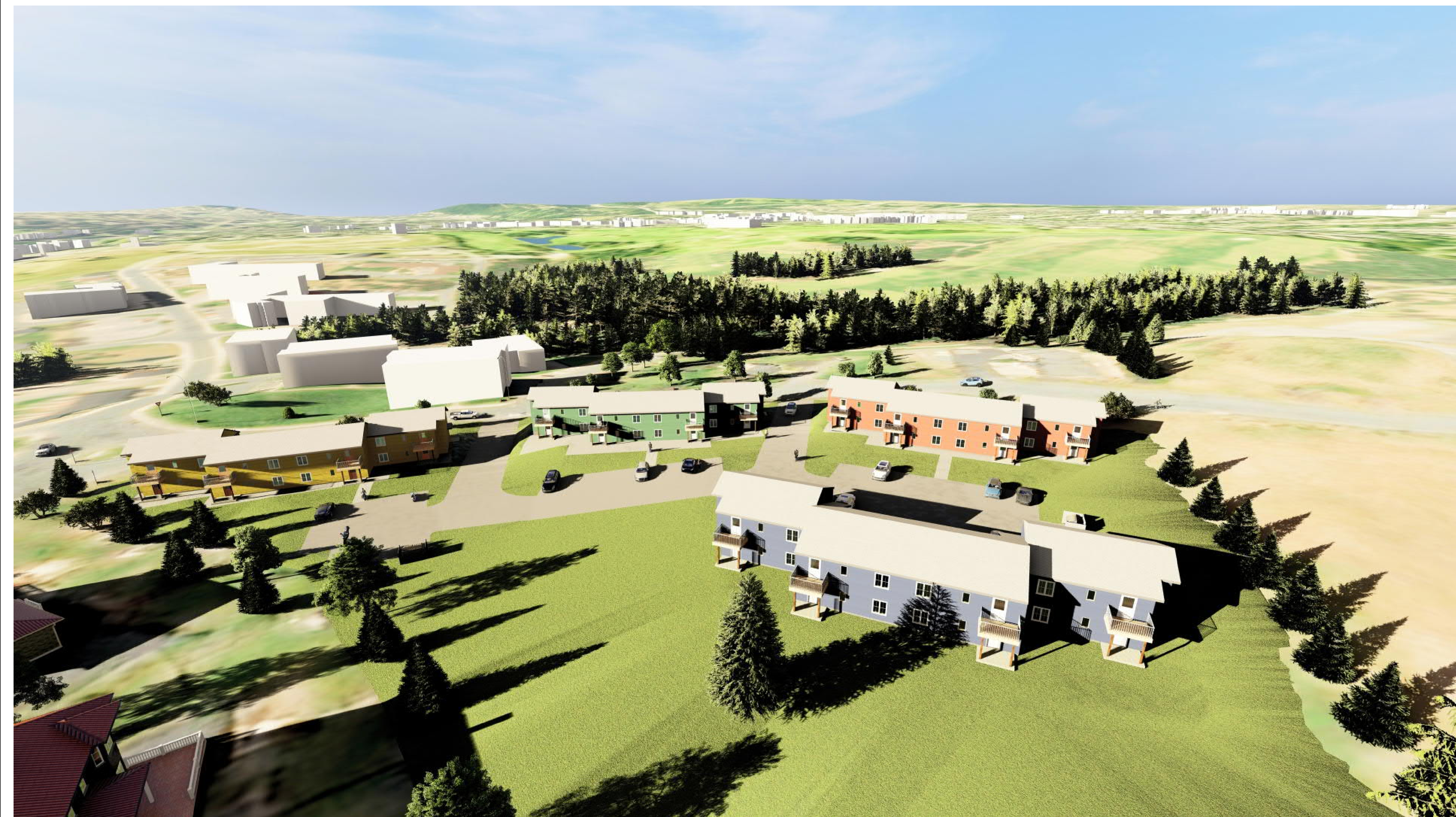
Site Overview - B



Site Overview - C

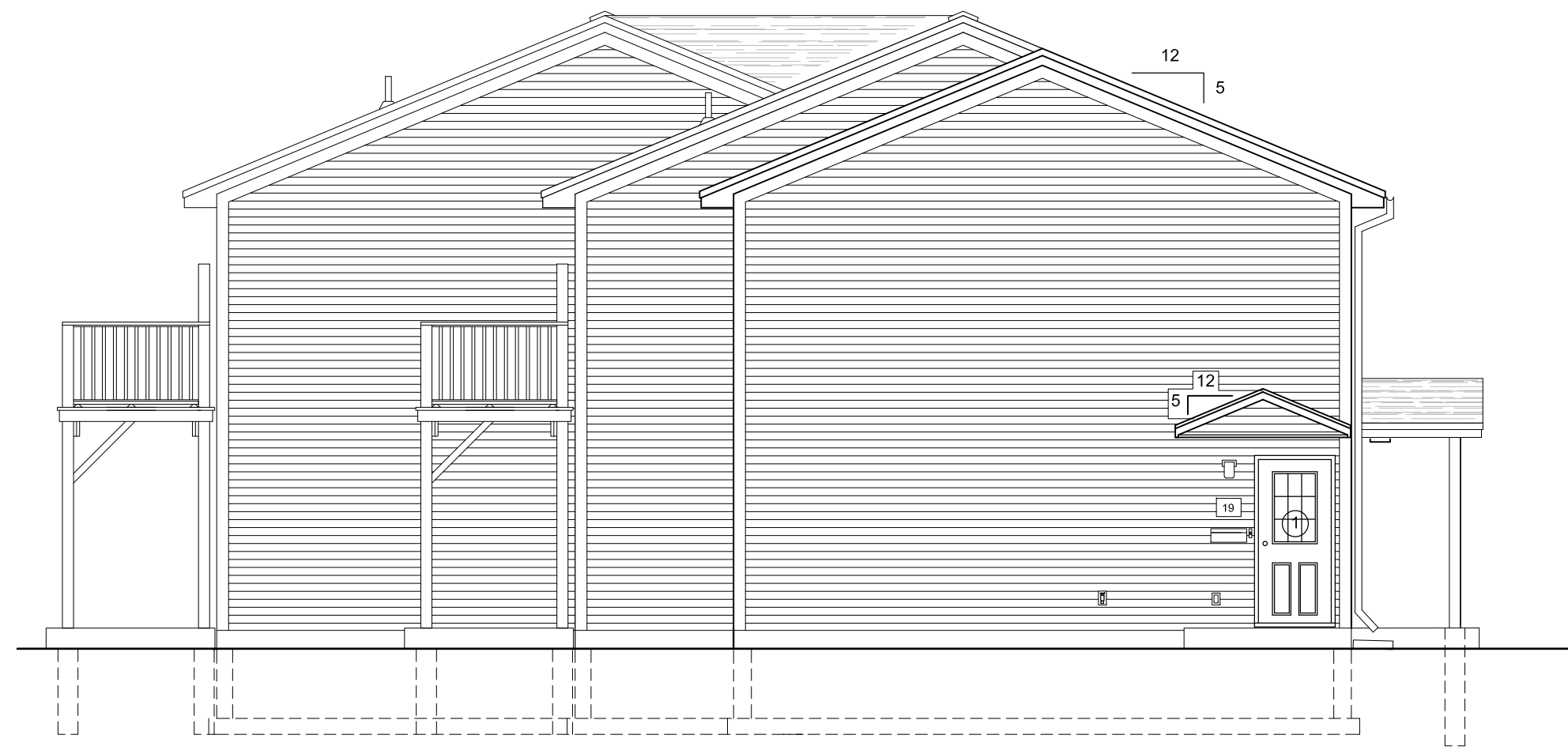


Site Overview - D

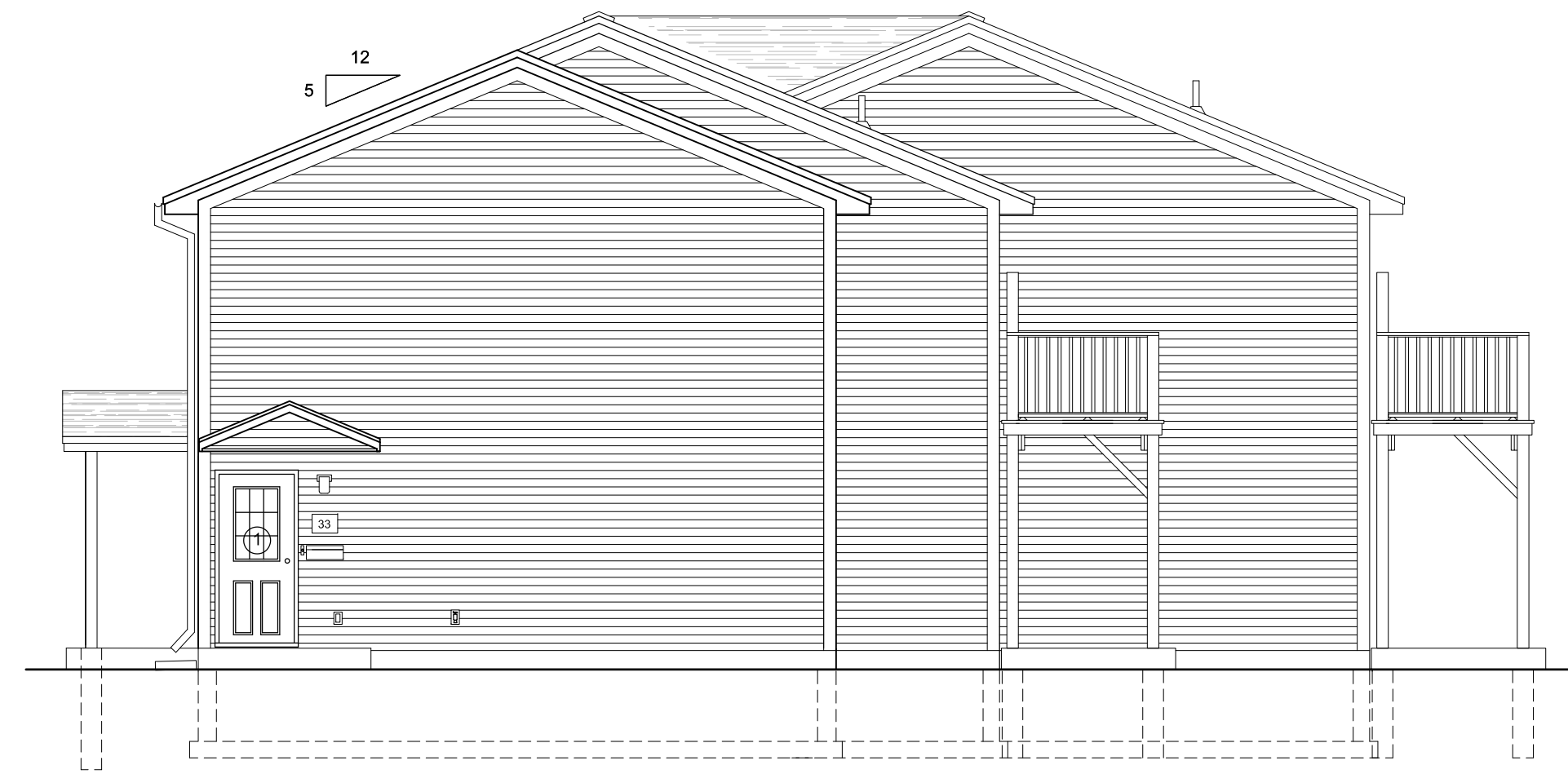


Site Overview - E





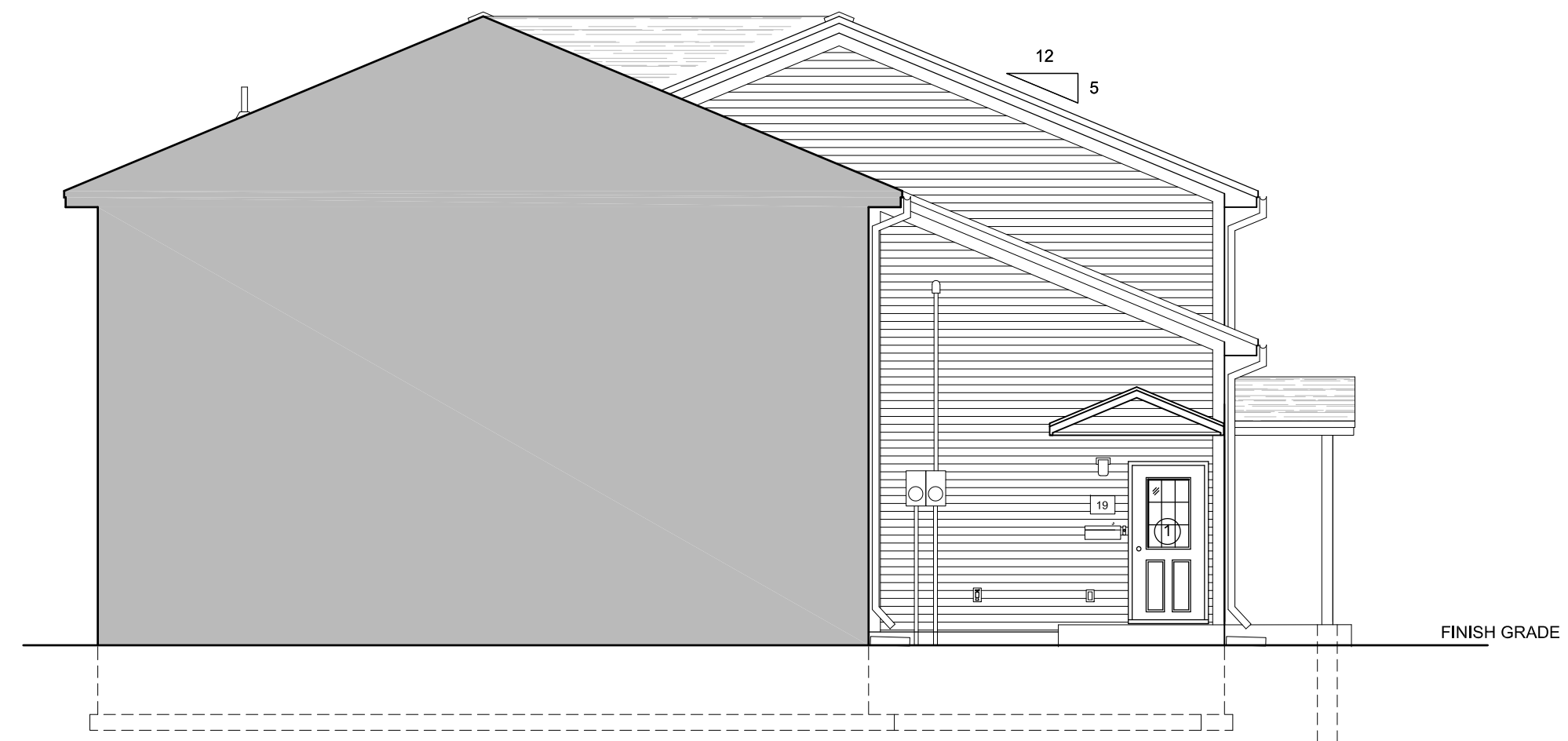
LEFT



RIGHT

SIDE ELEVATIONS
SCALE: 1/75

1
A-4



PARTIAL ELEVATION
SCALE: 1/75

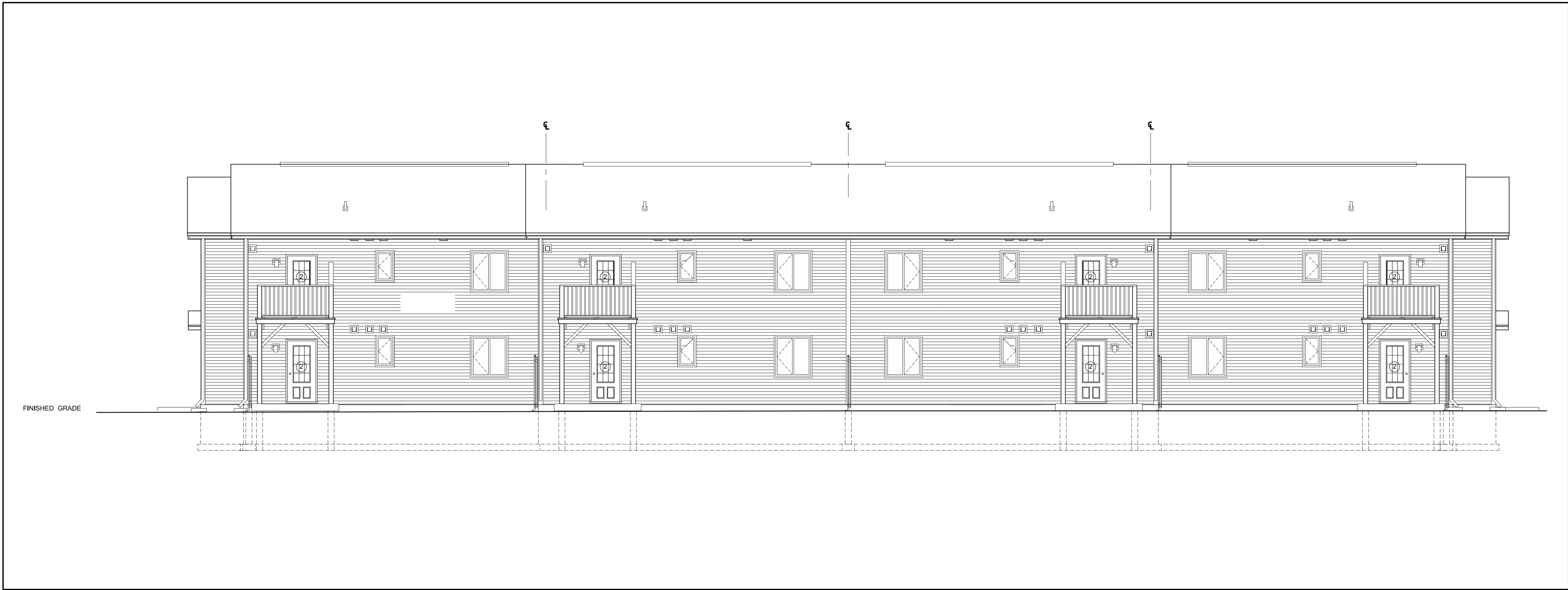
2
A-4

3
A-4



FRONT ELEVATION
SCALE: 1/75

1
A-3



REAR ELEVATION
SCALE: 1/75

2
A-3