

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

1. PURPOSE

The public expect the highest standards of professional conduct from Councillors elected to local government. The purpose of this Code is to establish guidelines for the ethical and inter-personal conduct of Members of Council and appointed resident members of Committees of Council.

Council is answerable to the community through democratic processes and this Code will assist in providing for the good governance of the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020.

2. GENERAL

2.1 In this Policy,

- a) "Act" means the Municipal Government Act, Stats. N.S. 1998, C. 18;
- b) "Bullying" means behaviour, typically repeated, that is intended to cause or should be known to cause, whether directly or indirectly, fear, intimidation, humiliation, exclusion, distress or other harm to another person's body, emotional well-being, self-esteem, reputation or property, and includes assisting or encouraging such behaviour in any way;
- c) "Chair" means the presiding officer of Council or a Committee of Council;
- d) "CAO" means the Chief Administrative Officer of the Municipality;
- e) "Clerk" means the Clerk of the Municipality;
- f) "Code" means the *Code of Conduct for Elected Municipal Officials*;
- g) "Committee(s) of Council" means a committee formed pursuant to a resolution or policy of Council and includes all of its members;
- h) "Council" means the collective body of the elected Municipal officials;
- i) "Discrimination" refers to when a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic and that it has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.
- j) "Harassment" refers to any behaviour, act, conduct or comment, whether sexual in nature or not, whether occurring on a one-time or recurring basis, by a person to whom this Policy applies, directed at and offensive to another person, and that the person knew or ought reasonably to have known:

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- Would be unwelcome and cause offence or harm;
 - Would demean, belittle, intimidate, threaten, distress, humiliate or embarrass;
 - Would affect a person's reputation;
 - Would endanger a person's job, undermine job performance, threaten economic livelihood or interfere with one's career;
 - Would be discrimination on account of one or more factors listed in the *NS Human Rights Act*;
 - Would be bullying as defined under the *Education Act*; or
 - Would be cyberbullying as defined under the *Intimate Images and Cyber-protection Act* or under another Act;
- k) "Member" refers to all elected Council members and may also refer to any member of the public appointed to a Municipal Committee of Council;
- l) "Municipal or Municipality" means the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020;
- m) "Staff" means a person employed by the Municipality.

3. SCOPE

- 3.1 The public expects the highest standards of professional conduct from members elected to local government. This policy applies to all elected officials of the Municipality and resident members appointed to Committees of Council.

4. PROCEDURES

- 4.1 Members are agents of the public whose primary objective is to address the needs of the residents. As such, they are entrusted with upholding and adhering to the by-laws and policies of the Municipality as well as the applicable provincial and federal laws. As public servants, members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests. Members will endeavor to make educated decisions, by gathering information from other members, and when applicable, from individuals or groups.
- 4.2 All Members recognize the responsibility of the Mayor to accurately communicate the decisions of Council, even if they disagree with such decisions, such that respect for the decision-making process of Council is fostered.
- 4.3 Members are committed to making decisions impartially and in the

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best interests of the Municipality and recognize the importance of fully observing the requirement of the Municipal Conflict of Interest Act, R.S.N.S. 1989, c. 299 with regard to the disclosure and avoidance of conflicts of interest. Members will be cognizant of issues involving a Conflict of Interest (either direct or indirect) and will declare such Conflicts of Interest when they occur.

- 4.4 Members seeking information from staff, will do so through the office of the Chief Administrative Officer (CAO).
- 4.5 With respect to conduct, members will:
- a) uphold the law and the code of conduct at all times. Where there is any conflict between the Code of Conduct for Elected Municipal Officials and the requirements of any statute of the provincial or federal government, provincial or federal statutes will take precedence;
 - b) seek to advance the common good of the Municipality as a whole while conscientiously representing the communities they serve;
 - c) treat every person, including other Members, staff, individuals providing services on a contract for service, and the public with dignity, understanding and respect and ensure that their work environment is free from discrimination, bullying and harassment. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations;
 - d) perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
 - integrity – giving the Municipality's interests absolute priority over private individual interests;
 - honesty - being truthful and open;
 - objectivity – making decisions based on careful and fair analysis of the facts;
 - accountability – being accountable to each other and the public for decisions taken; and
 - leadership – confronting challenges and providing direction on the issues of the day.
 - e) uphold this Code as a means of promoting the standards of behavior expected of Members and enhancing the credibility and integrity of Council in the broader community.

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- 4.6 members are responsible for the following duties:
- a) to represent the public and to consider the well-being and interests of the Municipality;
 - b) to develop and evaluate the policies and programs of the Municipality;
 - c) to determine which services the Municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - e) to ensure the accountability and transparency of the governance and operations of the Municipality, including the activities of the Directors of the Municipality;
 - f) to maintain the financial integrity of the Municipality;
 - g) to carry out the duties of Council under this or any other act;
 - h) to review the Municipality's Code as required and make any amendments considered appropriate. Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Members. Councillors are required to sign a "Statement of Commitment to the Code" (Attachment A) within seven (7) days of taking the Councillors' Oath pursuant to section 147 of the Municipal Elections Act, R.S.N.S 1989, c. 300;
 - i) to review, consider or take other action concerning any violation of the Code which is referred to Council for consideration;
 - j) to observe a high standard of professionalism when representing the Municipality and in their dealings with members of the broader community;
 - k) to practice good governance and ensure that decisions are taken in the best interests of all stakeholders and to enable the Municipality to function as a good corporate citizen;
 - l) to recognize the importance of working constructively with other levels of government and organizations in Nova Scotia and beyond to achieve the goals of the Municipality;
 - m) to not make personal comments about other Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Members, their opinions and actions;
 - n) to attend all scheduled Council meetings and assigned Committees of Council meetings, as required;

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- o) to fully participate in Council meetings, Committees of Council Meetings, and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- p) to prepare in-advance of meetings and be familiar with issues on the agenda;
- q) to represent the Municipality at ceremonial functions at the request of the Mayor;
- r) to be respectful of other people's time;
- s) to stay focused and act efficiently during meetings;
- t) to serve as a model of leadership and civility to the community;
- u) to inspire public confidence;
- v) to demonstrate honesty and integrity in every action and statement;
- w) to participate in scheduled activities: and
- x) to provide contact information to the Clerk/CAO in case of an emergency or an urgent situation that may arise while the Council member is out of Municipality.

4.7 Conduct at meetings, members will:

- a) respect the chair, colleagues, staff and members of the public present during meetings or other proceedings of the Municipality. Meetings will provide an environment for transparent and healthy debate on matters requiring decision-making. Council members will abide by the decisions of Council
- b) practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Members should conduct themselves in a professional manner in all times, including dress;
- c) will share any record in their possession that may be of value to other members in the performance of their duties, as deemed appropriate.
- d) avoid personal comments that could offend other Members. If a Member is personally offended by the remarks of another Member, the offended Member should make notes of the actual words used and "raise a question of privilege" that identifies the

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personal rights and privilege that was offended and request the Chair to enforce order;

- e) not overtly or implicitly promise Council action or promise Municipal Staff will do something (i.e. fix a pothole, remove a library book, plant new flowers, etc). Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet & talk with constituents in the community;
- f) not grant any special consideration, treatment, or advantage to any resident or group of residents beyond that which is accorded to all residents; and
- g) not disclose or release to any member of the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Municipality to do so. Members will not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. Members will not disclose information which has been shared in confidentiality. (i.e. closed sessions).

4.8 Communications

- (a) Be aware of the insecurity of written notes, voicemail messages, and email
 - (i) Technology allows words written or said without much forethought to be distributed wide and far. What would happen if this email message was forwarded to others? Written notes, voicemail messages and email should be treated as potentially "public" communication.
- (b) Even private conversations can have a public presence
 - (i) Members are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meeting noted.
- (c) Social media may include but not limited to Facebook, Twitter, Instagram, Snapchat, TikTok, Google+, MSN, and others, and are a great tool and avenue to communicate and interact with residents. While in meetings, at no time should a Member be communicating via these means. Outside of such, a member should be clear about whether their comments represent the official Municipal position or a personal viewpoint as well as remain respectful toward other members, staff and citizens. Words should be chosen carefully and cautiously as comments can be taken out of context and cause problems.
- (d) Make no promises on behalf of Council

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- (i) Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet & talk with residents in the community. It is inappropriate to overtly or implicitly promise Council action, or to promise that Staff will do something (i.e. fix a pothole, remove a library book, plant new flowers, etc).
 - (e) Make no personal comments about other Council members
 - (i) It is acceptable to publicly disagree about an issue but it is unacceptable to make derogatory comments about other Members, their opinions and actions.
 - (f) Correspondence should be clear about representation
 - (i) Municipal letterhead may be used when the Council member is representing the Municipality and the Municipality's official position. A copy of official correspondence will be given to the Clerk/CAO to be filed as part of the permanent public record.
- 4.9 Expenses
- a) Members will adhere to and comply with the provisions of any expense or hospitality policy of the Municipality, and any other relevant policies.
 - b) Members are responsible and accountable for all expenses reported and reimbursed.
 - c) All expenses will be reported. Only necessary, actual and reasonable travel expenses incurred by a Member for the purpose of conducting Municipal business as reported and approved in accordance with the provisions of the policy will be reported and reimbursed.
- 4.10 Gifts and Benefits
- a) Members will not show favoritism or bias toward any vendor, contractor or others doing business within the Municipality. Members are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the Municipality personally, or through a family member or friend, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization.
 - b) Members will not make or accept political contributions in the conduct of their duties.
 - c) For these purposes, a fee or advance, gift or benefit provided with the Member's knowledge to a Member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law and brother-in-law or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to

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- be a gift to that Member.
- d) No Member will accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below:
- (i) Compensation or benefit authorized by Council;
 - (ii) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (iii) Services provided without compensation by persons volunteering their time;
 - (iv) A suitable memento of a function honouring the Member;
 - (v) 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;
 - (vi) Food and beverages consumed at banquets, receptions or similar events, if attendance serves a legitimate business purpose. The person extending the invitation, or a representative of the organization is in attendance. The value is reasonable and the invitations infrequent; and
 - (vii) Communication to the offices of a Member, including unpaid subscriptions to newspapers and periodicals.
- (e) Except in the case of category 4.10(d)(i) and (v), a Councillor may not accept a single gift or benefit worth in excess of \$250 or gifts and benefits from one source during a calendar year worth in excess of \$500.
- (f) If the value of the single gift or benefit exceeds \$250 or if the total value received from any one source during the course of a calendar year exceeds \$500, the Member will file a Disclosure Statement with the CAO. The disclosure statement must indicate:
- (i) The nature of the gift or benefit;
 - (ii) Its source and date of receipt;
 - (iii) The circumstances under which it was given or received;
- g) A disclosure statement must be filed even if the gift or benefit is immediately returned. All disclosure statements will be a matter of public record.
- (h) On receiving a disclosure statement, the CAO will examine it to ascertain whether the receipt of the gift or benefit might, in the CAO's opinion, create a conflict between a private interest and the public

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duty of the Member. In the event that the CAO makes the preliminary determination that the receipt of the gift may create a conflict, they will call upon the Member to justify the receipt of the gift or benefit. Should the CAO determine that receipt was inappropriate, they may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, "request" or forfeit the gift or remit the value of any gift or benefit already consumed to the Municipality.

- i) A list of gifts received will be disclosed annually.

4.11 Use of Public Property

- a) Members will not request or permit the use of Municipal-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public.
- b) Members will ensure that the business of the Municipality is conducted with efficiency and will avoid waste, abuse and extravagance in the provision or use of Municipality resources.

4.12 Committees of Council

- a) Resident members appointed to Committees of Council are appointed at the pleasure of Council. They do not hold office nor do they represent a constituency within the community, nor do they represent Council or the Committee of Council unless mandated to do so.
- b) Resident members appointed to Committees of Council must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.
- c) Committees of Council operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
- d) No Committee of Council member may act beyond the mandate of the Committee granted by Council. They must not undertake site visits, direct discussions with residents, communicate on social media, informal meetings or communications including emails except:
 - As granted the right to do so by Council;
 - Pursuant to the duties of a Member of Council; or
 - Otherwise if required by law.
- e) Committee of Council members acknowledge the importance of the principles contained in this Code which is regulated by Council and are required to sign a "Statement of Commitment to

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the Code" annually while a member of a Committee of Council.

4.13 Code Infractions and Discreditable Conduct

- a) Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code could lead to other sanctions as deemed appropriate by Council.
- b) The Chair should point out to the offending Member, infractions of the Code. If the offences continue, then the matter should be discussed in private with the offending Member by the Chair. If the Chair is the individual whose actions are being challenged, then the matter should be referred to the Vice-Chair.
- c) It is the responsibility of the Chair to initiate action if a Member's behaviour may warrant sanction. If no action is taken by the Chair, the alleged violation(s) can be brought up with the full Council in a public meeting.
- d) All Members have a duty to treat the public, one another and staff appropriately and without abuse, bullying or intimidation. All Members will ensure that the work environment is free from discrimination and of personal and sexual harassment. The NS Human Rights Act applies, as do Municipal by-laws and policies in this regard.
- e) In accordance with the *NS Human Rights Act*, Members will not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, religion, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability. Even if a person does not clearly object to harassing behaviour, or if they appear to go along with it, it is still considered harassment.
- f) Harassment which occurs in the course of, or is related to, the performance of Official Duties by Members is subject to this Code. If an employee or a member of the public brings forward a harassment complaint against a Member, the complaints will be addressed in accordance with sections below.

4.14 Reporting Breaches

- a) Persons who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns forward. No adverse action will be taken against any Member or Staff, who, acting in good faith, brings forward such information.

4.15 Corrective Action

- a) Any reported violation of the Code will be subject to investigation by the Mayor and Council. Violation of this Code by a Member

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may constitute a cause for corrective action. If an investigation finds a Member has breached a provision of the Code, Council may impose corrective action commensurate with the nature and severity of the breach, which may include a formal warning or reprimand to the Member. If violation of the Code is outside of the observed behaviours by the Mayor or Council members, the alleged violation should be referred to the Mayor or CAO.

The Mayor should ask the CAO and/or the Municipal solicitor to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to:

- discussing and counseling the individual on the violations;
- recommending sanction to the full Council to consider in a public meeting; or,
- forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration.

4.16 Compliance with the Code of Conduct

- a) Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.
- b) Resident members of Committees of Council are appointed by and serve at the pleasure of Council for the term specified by Council. Should an appointed member become disqualified for the position they may be removed from the Committee by Council
- c) Members of Council who, without leave of the council, are absent from three consecutive regular meetings of the council shall thereby vacate the office, and the office shall be declared vacant by the council, whether or not the councillor has vacated the office. (Municipal Elections Act 18(6)).
- d) In addition to any other consequence imposed by law, Members found to have breached this Code may be subject to discipline, including:
 - Return of a gift or benefit;
 - Removal from a committee;
 - Loss of Committee Chair privileges;
 - Request for written or public apology;
 - Reprimand; or,
 - Where applicable, suspension from travel, for a period

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of up to ninety (90) days.

5.0 ASSOCIATED DOCUMENTS

- Education Act of NS
- Human Rights Act of NS
- Municipal Government Act of NS
- Municipal Conflict of Interest Act of NS
- Municipal Elections Act of NS
- Intimate Images and Cyber-protection Act of NS

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**ATTACHMENT 'A'
STATEMENT OF COMMITMENT TO
CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS**

I, _____ declare that as a Mayor/Councillor/Committee member of the Region of Windsor and West Hants Municipality, I acknowledge and support the Code of Conduct for Elected Municipal Officials.

Signed: _____

Declared this _____ day of _____, 20_____

Before me:

Chief Administrative Officer / Clerk

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I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the **23rd** day of **March , 2020**.

R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	March 9, 2020
<i>Approval:</i>	March 23, 2020
<i>Description:</i> Initial approval of the Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.00. Approved by the Coordinating Committee of the Region of Windsor and West Hants Municipality.	