



WEST HANTS REGIONAL MUNICIPALITY CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY

RCOHR-002.01

Title

1. The title of this code of conduct is the *Code of Conduct for Elected Officials of the [insert name of municipality]*.

Definitions

2. In this Code, the following definitions apply:

"Act" means the *Municipal Government Act*;

"CAO" means chief administrative officer;

"clerk" means the clerk of the municipality;

"closely connected" to a council member, means any of the following:

- (i) a family member of the council member,
- (ii) an agent of the council member,
- (iii) a business partner of the council member,
- (iv) an employer of the council member;

"Code" means the *Code of Conduct for Elected Officials of the [insert name of municipality, as in title]*;

"complaint" means a complaint regarding an alleged breach of the Code;

"confidential information" includes any information in the possession of the municipality that the municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under Part XX of the Act or other legislation, or that pertains to the business of the municipality and is generally considered to be of a confidential nature, including information about any of the following:

- i. the security of the municipality's property,
- ii. a proposed or pending acquisition or disposition of land or other property,
- iii. a tender that has or will be issued but that has not been awarded,
- iv. contract negotiations,
- v. employment and labour relations,
- vi. draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been deliberated in a meeting open to the public,
- vii. law enforcement matters,
- viii. litigation or potential litigation, including matters before administrative tribunals,
- ix. advice that [is] solicitor-client privileged;

"council" means the council of the municipality;

"discrimination" has the same meaning as in the *Human Rights Act*;

"elected official" means any council member, including the mayor or warden;

"family member" means, in relation to a person, any of the following, and includes a step-family member:



**WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY**

RCOHR-002.01

- (i) spouse,
- (ii) parent or guardian,
- (iii) child,
- (iv) sibling,
- (v) sibling of a parent,
- (vi) child of a sibling,
- (vii) grandchild,
- (viii) grandparent,
- (ix) parent-in-law,
- (x) sibling-in-law,
- (xi) spouse of a child;

“harass” has the same meaning as in the *Human Rights Act*;

“investigator” means a person or entity appointed by a municipality under subsection 23C(1) of the Act to receive and investigate complaints;

“mayor” means the council member elected at large to be the chair of the council;

“municipality” means the regional municipality, town or county or district municipality, except where the context otherwise requires;

“poisoned environment” means an environment where harassing or discriminatory conduct causes significant and unreasonable interference with a person’s work environment;

“sexual harassment” has the same meaning as in the *Human Rights Act*;

“warden” means the council member chosen by the council to be the chair of the council.

3. General purpose

3.1 The purpose of this Code is to set out the expectations for the behaviour of members elected to council in carrying out their functions and making decisions that benefit the constituents in their municipality.

3.2 Nothing in this Code is intended to prevent elected officials from sharing or expressing dissenting opinions.

4. Interaction with laws and policies

4.1 This Code is intended to operate together with, and as a supplement to, the applicable common law, the *Criminal Code* of Canada, the Act, the *Municipal Conflict of Interest Act* and any other applicable legislation.



**WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY**

RCOHR-002.01

4.2 This Code is intended to operate together with, and as a supplement to, the other bylaws and policies of a municipality.

4.3 This Code prevails in any conflict between the Code and any municipal resolution, policy or bylaw.

5. Guiding principles

All of the following are the guiding principles for council members' conduct:

Collegiality: council members must work together to further the best interests of the municipality in an honest and honourable way.

Respect: council members must demonstrate respect towards one another, the democratic decision-making process and the role of staff. Council members must not act in a manner that negatively impacts the municipality or tarnishes the municipality's reputation.

Integrity: council members must act lawfully and adhere to strong ethical principles by prioritizing the municipality's interests over individual interests.

Professionalism: council members must create and maintain an environment that is respectful and free from all forms of discrimination and harassment, including sexual harassment. Council members must show consideration for every person's values, beliefs and contributions, and support and encourage others to participate in council activities.

Transparency: council members must be truthful and open about their decisions and actions and make every effort to accurately communicate information openly to the public.

Responsibility: council members are responsible for the decisions that they make and must be held accountable for their actions and outcomes. Council members must demonstrate awareness of their own conduct and consider how their words or actions may be perceived as offensive or demeaning.

6. General conduct

6.1 A council member must be truthful and forthright and not deceive or knowingly mislead Council, the CAO, staff or the public.

6.2 A council member must show respect for chairs of council meetings, chairs of committee meetings, colleagues, staff and members of the public that present during council meetings or other meetings of the municipality.

6.3 A council member must adhere to the direction of the chairs of meetings with respect to rules of procedure.



**WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY**

RCOHR-002.01

6.4 A council member must conduct council business and all duties in an open and transparent manner, other than for those matters that council is authorized by law to carry out in private.

6.5 A council member must not be impaired by alcohol or drugs while attending any council meeting or other meetings of the municipality.

6.6 A council member must comply with any sanction imposed under this Code, and failing to comply with a sanction imposed is considered a breach of the Code.

7. Confidential information

7.1 A council member must not disclose or release any confidential information to the public in oral, written or any other form, other than when required by policy or law or authorized by the council to do so.

7.2 A council member must not use confidential information for personal or private gain or for the private gain of any other person or entity.

7.3 A council member must not access or attempt to access confidential information in the custody of the municipality unless the information is necessary for the performance of their duties and its access is not prohibited by legislation or by the bylaws or policies of the municipality.

7.4 A council member must not discuss any matters relating to an active investigation under the Code with anyone other than the investigator or their own legal counsel, unless required by law.

8. Gifts and benefits

8.1 A council member must not accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of their duties of office, other than the following exceptions

- (a) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (b) a suitable memento of a function honouring the council member;
- (c) sponsorships and donations for community events organized or run by a council member or by a third party on behalf of a council member;
- (d) compensation authorized by the municipality.

8.2 A fee, advance, cash, gift, gift certificate or personal benefit paid or provided to a person closely connected to a council member, with the council member's knowledge, is deemed to be a gift to the council member.

9. Use of municipal property, equipment and services

9.1 A council member must not use, or request the use of, any municipal property, including surplus material or equipment, for personal convenience or profit, unless the property meets 1 of the following:

- (a) it is generally available for use by the public and the council member is receiving no special preference in its use;
- (b) it is made available to the council member in the course of carrying out council activities and duties and is used for purposes connected with the discharge of municipal duties.

9.2 A council member must not obtain, or attempt to obtain, personal financial gain from the use or sale of intellectual property developed by the municipality.

9.3 A council member must not use information, or attempt to use information, gained in the course of their duties that is not available to the general public for any purposes other than carrying out their official duties.

9.4 A council member, or a person closely connected to a council member, must not tender on the sale of surplus municipal property, including old or extra equipment.

10. Building, development, planning, or procurement proposals before council

A council member must not solicit or accept support in any form from an individual, group or corporation with any building, development, planning or procurement proposal before council.

11. Improper use of influence

A council member must not use the influence of their office for any purpose other than for the exercise of their official duties.

12. Business relations

12.1 A council member must not allow any prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.

12.2 A council member must not borrow money from any person who regularly does business with the municipality, unless the person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

12.3 A council member must not act as an agent of a person or entity before council or a committee of council or any agency, board or committee of the municipality.



**WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY**

RCOHR-002.01

13. Employment of persons closely connected to council members

13.1 A council member must not attempt to influence any municipal employee to hire or promote a person closely connected to the member.

13.2 A council member must not make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any person closely connected to the member.

14. Fairness

14.1 A council member must not give special consideration, treatment or advantage to any individual or entity beyond that which is given to all.

14.2 A council member must not give special consideration, treatment or advantage to an organization or group because the council member, or a person closely connected to the member, is involved with the organization or group.

15. Adherence to policies, procedures, bylaws and other laws

15.1 Council members must adhere to all applicable federal and provincial legislation.

15.2 Council members must adhere to the procedures, resolutions, policies and bylaws of the municipality.

15.3 Council members must adhere to the expense and hospitality policy of the municipality.

16. Respect for council as a decision-making body

16.1 A council member must abide by, and act in accordance with, any decision made by council, whether or not the member voted in favour of the decision.

16.2 A council member must not encourage non-compliance with any legislation, regulation, bylaw, resolution, policy or procedure.

17. Communicating on behalf of council

17.1 A council member, other than the mayor or warden, must not claim to speak on behalf of council unless the council member is authorized to do so.

17.2 The mayor, warden or an individual designated by council may speak on behalf of council and must make every effort to convey the intent of council's decision accurately.

18. Interactions of council with staff and service providers

18.1 A council member must respect the role of the CAO as head of the administrative branch of the municipality's government and must not involve themselves directly in the administration of the affairs of the municipality, including, without limitation, the administration of contracts.

18.2 A council member must not direct, or attempt to direct, the CAO or clerk other than through a direction provided by the council as a whole.

18.3 A council member must be respectful of the role of the CAO and municipal employees to advise based on political neutrality and objectivity and without undue influence from any individual member or group of the council.

18.4 A council member must not direct or influence, or attempt to direct or influence any municipal employees in the exercise of their duties or functions, unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the Act, and unless council as a whole has provided direction regarding [the] same.

18.5 If a CAO has been appointed under Section 28 of the Act, a council member must not direct municipal employees except through the CAO.

18.6 Contractors, tenderers, consultants or other service providers to the municipality must not be issued instructions by council members

(a) if a CAO has been appointed under Section 28 of the Act; or

(b) unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the Act and council as a whole has provided direction regarding [the] same.

18.7 A council member must not require or request that a municipal employee undertake personal chores or tasks for the member that are unrelated to municipal business.

18.8 A council member must not make public statements that are critical of specific or identifiable municipal employees or service providers.

19. Respectful interactions



**WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED OFFICIALS' POLICY**

RCOHR-002.01

19.1 A council member must not engage in discrimination or harassment as prohibited by the *Human Rights Act*.

19.2 A council member must not sexually harass any person.

19.3 A council member must not engage in any discriminatory or harassing action or conduct, verbal or non-verbal, directed at 1 or more individuals or groups that creates a poisoned environment.

20. Reprisals

A council member must not undertake any act of reprisal or threaten reprisal against a complainant in a matter under this Code or any person providing relevant information in relation to a matter under this Code.

Approved by:

I, Deanna Snair, Executive Assistant/Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the 10th day of December 2024.

(Signature of Municipal Clerk) Deanna
Snair, Executive Assistant/Clerk

Adoption	
Notice to Council:	March 9, 2020
Approval:	March 23, 2020
Description: 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.	
1st Amendment	
Notice to Council:	December 3, 2024
Approval:	December 10, 2024
Description: Amended to reflect adopting the Provincial Code of Conduct for Elected Officials revised October 2024	



Committee of the Whole Excerpts
December 3, 2024

CODE OF CONDUCT FOR ELECTED OFFICIALS EXCERPT

In October of 2024, the Department of Municipal Affairs and Housing (DMAH)/Province of Nova Scotia published the Code of Conduct Regulations for Municipal Elected Officials which requires municipalities to adopt the model code as prescribed on or before December 19, 2024.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL REPEAL AND REPLACE CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS' POLICY, RCOHR-002.00 AND ADOPT THE CODE OF CONDUCT AS PROVIDED IN THE MGA WITH THE FOLLOWING RESOLUTION

WHEREAS THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING FOR THE PROVINCE OF NOVA SCOTIA HAS MADE THE CODE OF CONDUCT FOR MUNICIPAL ELECTED OFFICIALS REGULATIONS, N.S. REG. 220/2024 ("THE REGULATIONS"); AND,

WHEREAS MUNICIPALITIES ARE REQUIRED TO ADOPT THE MODEL CODE OF CONDUCT PRESCRIBED BY THE REGULATIONS ON OR BEFORE DECEMBER 19, 2024, PURSUANT TO SECTION 4(1) OF THE REGULATIONS AND SECTION 23A OF THE MUNICIPAL GOVERNMENT ACT;

THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE MUNICIPALITY OF REGION OF WEST HANTS HEREBY ADOPT THE MODEL CODE OF CONDUCT AS SET FORTH IN SCHEDULE "A" TO THE REGULATIONS, WHICH SHALL BE TITLED THE "CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE REGIONAL MUNICIPALITY OF WEST HANTS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of Council

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: December 3rd, 2024 Committee of the Whole Meeting

Subject: Code of Conduct for Elected Officials

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act (MGA) – Section **48 (1)** Before a policy is passed, amended or repealed the council shall give at least seven days notice to all council members.
(2) The council may adopt different policies for different areas of the municipality.
(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality. 1998, c. 18, s. 48.

RECOMMENDATION or DECISION REQUEST

It is recommended...

COUNCIL REPEAL AND REPLACE CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS POLICY, RCOHR-002.00 AND ADOPT THE CODE OF CONDUCT AS PROVIDED IN THE MGA WITH THE FOLLOWING RESOLUTION

WHEREAS THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING FOR THE PROVINCE OF NOVA SCOTIA HAS MADE THE CODE OF CONDUCT FOR MUNICIPAL ELECTED OFFICIALS REGULATIONS, N.S. REG. 220/2024 (“THE REGULATIONS”); AND,

WHEREAS MUNICIPALITIES ARE REQUIRED TO ADOPT THE MODEL CODE OF CONDUCT PRESCRIBED BY THE REGULATIONS ON OR BEFORE DECEMBER 19, 2024, PURSUANT TO SECTION 4(1) OF THE REGULATIONS AND SECTION 23A OF THE MUNICIPAL GOVERNMENT ACT;

THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE MUNICIPALITY OF WEST HANTS HEREBY ADOPT THE MODEL CODE OF CONDUCT AS SET FORTH IN SCHEDULE "A" TO THE REGULATIONS, WHICH SHALL BE TITLED THE "CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE WEST HANTS REGIONAL MUNICIPALITY.

BACKGROUND

In October of 2024, the Department of Municipal Affairs and Housing (DMAH)/Province of Nova Scotia published the Code of Conduct Regulations for Municipal Elected Officials which requires municipalities to adopt the model code as prescribed on or before December 19, 2024.

In addition to the requirement to adopt the Code of Conduct Regulations, municipal councils are required to secure, appoint, and have on retainer, and investigator.

The new Code of Conduct Regulations for Municipal Elected Officials will supersede WHRM's existing policy.

<https://www.novascotia.ca/just/regulations/regs/codeofconductmunicipal.htm>

Property ✓	Public Opinion ✓	Environment ✓	Social ✓	Economic ✓	Councillor Activity ✓
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DISCUSSION

In 2017, the Nova Scotia Federation of Municipal Affairs and Housing established a working group made up of provincial, municipal and elected officials to create a Code of Conduct for Municipal Elected Officials. Upon review and completion of the policy (which was passed in October 2024), municipalities have been instructed there is a requirement for mandatory adoption on or before December 19th, 2024.

Staff have reviewed the existing code of conduct policy and the new mandatory policy that is required to be adopted.

Based on this review, staff are recommending the repeal of the policy Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.00 and adoption of the new provincial policy.

It is also worth noting that all members of the public appointed to Council committees must respect both the word and the spirit of the Code of Conduct for Municipal Elected Officials as it will also apply to them in the same manner.

NEXT STEPS

Once the code has been adopted, a copy will be sent to the Minister and municipal advisor confirming the code has been adopted.

Once the policy has been adopted, it will be advertised and posted on trye municipal website for easy access and awareness.

FINANCIAL IMPLICATIONS

The new code of conduct requires municipalities to have a professional on retainer who will act as a code of conduct investigator. The requirements for this investigative role are still being assessed, once these have been determined, staff will be seeking appropriate candidates for the investigator's role.

Depending on the timeline of securing a professional on retainer to act as the conduct investigator, it should be noted if secured before end of fiscal 2024-25 it will be an unbudgeted item and will require Council's approval.

Moving into 2025-26 fiscal budget, a line item will be created under legislative for professional services.

ALTERNATIVES

ATTACHMENTS

Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.00 (Original)

Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.01 (includes edits)

Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.01 (as edited)

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Deanna Snair, Executive Assistant/Municipal Clerk

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

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:

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- 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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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.

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- 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;

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- 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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- (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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- 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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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 Co-ordinating Committee of the Region of Windsor and West Hants Municipality.	

*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.~~

Commented [DS1]: The purpose of the new code is much stronger: "to set out the expectations for behaviour of members elected to council in carrying out their functions and decision making that benefit residents".

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:
 - Would be unwelcome and cause offence or harm;

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- 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~~; *West Hants Regional Municipality*
- 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. ~~This policy does not apply to debate and council proceedings~~

Commented [DS2]: The new Code does not distinguish between debates and other conduct

Commented [DS3R2]: Does not need to be here

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 4.1 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 best interests of the Municipality and recognize the importance of fully~~

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

~~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.~~

Commented [DS4]: Covered under the Municipal Conflict of Interest Act

~~4.4~~ 4.2 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.~~

Commented [DS5]: Covered under the new Code

~~4.6~~ 4.3 Council members are responsible for the following duties:

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- ~~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) a) 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;~~
- ~~o) to fully participate in Council meetings, Committees of Council~~

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

~~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 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
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- ~~(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~~

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- ~~(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).~~
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- ~~a) Members will adhere to and comply with the provisions of any expense or hospitality policy of the Municipality, and any other relevant policies.~~
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- ~~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~~

Commented [DS6]: This section does not belong in this policy. It could/should be included in the Communication Plan.

Commented [DS7R6]: This section is covered by Expense and Hospitality Policy.

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

~~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.~~

4.4 a) ~~(e)~~ Except in the case of category 4.10(d)(i) and (v), a **Councillor Member** 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)~~ **b)** 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;
- (ii) The circumstances under which it was given or received;
- (iii) **Its estimated value**
- (iv) **What the recipient intends to do with any gift; and**
- (v) **Whether any gift, will at any point be left with the Municipality.**

~~g)~~ **c)** 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.

Commented [DS8]: This section is covered by the Expense and Hospitality Policy.

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- ~~(H)~~ d) 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 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) e) 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.~~
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- 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.
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- 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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

of the principles contained in this Code which is regulated by Council and are required to sign a "Statement of Commitment to 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.~~

Commented [DS9]: Covered under the new code

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.~~

Commented [DS10]: Covered under the new code

4.15 Corrective Action

Commented [DS11]: Covered under the new code

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

Commented [DS12]: Covered under the new code

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

- ~~• Where applicable, suspension from travel, for a period 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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

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>	
<i>Description:</i> Initial approval of the Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.00. Approved by the Co-ordinating Committee of the Region of Windsor and West Hants Municipality.	

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.

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:
 - 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 any member of the public appointed to a Municipal Committee of Council;
- l) “Municipal or Municipality” means the West Hants Regional Municipality
- m) “Staff” means a person employed by the Municipality.

3. SCOPE

3.1 This policy applies to all elected officials of the Municipality and resident members appointed to Committees of Council. This policy does not apply to debate and council proceedings

4. PROCEDURES

4.1 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.

4.2 Members seeking information from staff will do so through the office of the Chief Administrative Officer (CAO).

4.3 Council members are responsible 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;

5. EXPENSES

5.1 Further clarity is provided within the Expense Policy, RCOFN-006.00

A member 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.b) 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;
- (i) The circumstances under which it was given or received;
- (ii) Its estimated value



- (iii) What the recipient intends to do with any gift; and
- (iv) Whether any gift, will at any point be left with the Municipality.

5.2 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.

5.3 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 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.

5.4 A list of gifts received will be disclosed annually.

6. COUNCIL COMMITTEES

Members of the public are appointed at the pleasure of Council. They do not hold offices, nor do they represent a constituency within the community, nor do they represent Council or the Committee of Council unless mandated to do so.

Resident members appointed to the Committees of Council must respect both the word and spirit of this Code of Conduct for Elected Officials as it applies to them and also as it applies to Members of Council.

7. 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

ATTACHMENT 'A' **STATEMENT OF COMMITMENT TO**



WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

RCOHR-002.01

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

I, _____ declare that as a Mayor/Councillor/Committee member of the West Hants Regional 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



WEST HANTS REGIONAL MUNICIPALITY
CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS

I, Deanna Snair, 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 **3rd** day of **December 2024**.

Deanna Snair
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	March 9, 2020
<i>Approval:</i>	
<i>Description:</i> Initial approval of the Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.00. Approved by the Co-ordinating Committee of the Region of Windsor and West Hants Municipality.	
<i>Adoption</i>	
<i>Notice to Council:</i>	<i>December 3, 2024</i>
<i>Approval:</i>	<i>December 10, 2024</i>
<i>Description:</i> <i>First amendment</i> of the Code of Conduct for Elected Municipal Officials Policy, RCOHR-002.01 as required by the Province of Nova Scotia	