



POLICY # 2024-12-02

## **MUNICIPALITY OF THE COUNTY OF PICTOU CODE OF CONDUCT**

### **1) PREAMBLE**

- a) Whereas the public expects the highest standards of professional conduct from members elected to local government.
- b) Whereas members of the Council seek to advance the common good of the Municipality as a whole, while conscientiously representing the communities they serve.
- c) Whereas members of the Council accept that good governance of the Municipality is critical to ensuring that decisions are taken in the best interest of all stakeholders and to enable the municipality to function as a good corporate citizen.

### **2) PURPOSE**

- a) The purpose of this Code is to establish guidelines for the ethical and inter-personal conduct of Members of Council ("Members").
- b) The Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Municipality of the County of Pictou.
- c) This Code of Conduct will promote the standards of behaviour expected of members of the Council and enhance the credibility and integrity of the Council in the broader community.
- d) Ensure compliance with Section 520 (1)(cd) of the Municipal Government Act of Nova Scotia.

### **3) CODE OF CONDUCT**

- a) This Code of Conduct shall apply to elected officials from the time that they are declared elected until:
  - i. their resignation; ii. their disqualification while in office; or iii. their successor is sworn into office, or, if there is no successor, until the meeting at which the successor would have been sworn into office if there was a successor
- b) This code of conduct will operate together and as a supplement to other applicable laws, including the bylaws and policies with the municipality.
- c) This code of conduct will apply to elected officials at all times with respect to their behaviour regarding any action that negatively impacts the municipality or tarnishes its reputation.
- d) Nothing in this code of conduct is intended to silence elected officials from sharing or expressing dissenting opinions.
- e) Members will be required to complete the training within 30 days of being sworn into office and failure to do so is considered a breach of the code itself and may go to council without an investigation.
- f) Training is to be developed and delivered in an online module format with quizzes and a minimum pass rate to ensure a minimum level of understanding.
- g) Members acknowledge the importance of the Guiding Principles contained in this Code of Conduct and will sign a Statement of Commitment to the Code of Conduct within 7 days of taking the Councillors Oath of Office pursuant to the Municipal Elections Act (s.147 R.S.N.S 1989 c.300) or 7 days after the adoption of this policy by Council, whichever is first.
- h) Where there is any conflict between the Code of Conduct and the requirements of any statute of the provincial or federal government, the statutes of the provincial or federal government shall prevail.

#### **4) GUIDING PRINCIPLES**

- a) Members of Council shall perform the functions of their office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
  - i. Collegiality – members of council will work together to further the best interests of the municipality in an honest and honourable way.
  - ii. Respect – members of council will demonstrate respect towards one another, the democratic decision-making process, and the role of staff.
  - iii. Integrity – members of council are expected to act lawfully and adhere to strong ethical principles by giving the municipality or village interests priority over private individual interests.
  - iv. Professionalism – members of council will create and maintain an environment that is respectful and free from all forms of harassment, including sexual harassment and discrimination. They must show consideration for every person's values, beliefs and contributions, and supporting and encouraging others to participate in council activities.
  - v. Transparency – members of council will be truthful and open regarding their decisions and actions and make every effort to accurately communicate information openly to the public.
  - vi. Responsibility – members of council are responsible for the decisions that they make and must be held accountable for their actions and outcomes. They must demonstrate awareness of their own conduct and consider how their words or actions may be perceived as offensive or demeaning.

#### **5) GENERAL CONDUCT**

- a) Members of Council must be truthful and forthright, and not deceive or knowingly mislead Council, the CAO, or the public.

- b) Members of Council will respect the presiding officers, colleagues, staff and members of the public that present during the council meeting or other proceedings/meetings of the municipality.
- c) Members of Council will adhere to procedure and direction of presiding officers in respect to rules of procedure.
- d) Members of Council must conduct Council business and all of the member's duties in an open and transparent manner, other than for those matters which Council is authorized by law to deal with in private.
- e) Members of Council must ensure that they are not impaired by alcohol or drugs while attending any meeting of the municipality.

## **6) CONFIDENTIAL INFORMATION**

- a) No Member of Council will disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.
- b) No Member of Council will use confidential information for personal or private gain or for the gain of any other person or entity.
- c) Members of Council should 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 by-laws or policies of the Municipality.
- d) Members of council must not discuss any matters relating to an active investigation under this Code of Conduct with anyone other than the investigator or their own legal representative, unless required by law.

## **7) GIFTS AND BENEFITS**

- a) No Member of Council shall 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, except for the following:

- i. gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - ii. a suitable memento of a function honouring the member of Council;
  - iii. sponsorships and donations for community events organized or run by a member of Council or by a third party on behalf of a member of Council;
  - iv. compensation authorized by the municipality.
- b) A fee or advance paid, or a gift or benefit provided, with the Member's knowledge, to a person closely connected to a member is deemed to be a gift to the Member of Council.

## **8) USE OF MUNICIPAL PROPERTY, EQUIPMENT AND SERVICES**

- a) No Member of Council shall use, or request the use of, any municipal property, including surplus material or equipment for personal convenience or profit, unless the property is:
  - i. available for such use by the public generally and the member of Council is receiving no special preference in its use; or, ii. made available to the member of Council in the course of carrying out council activities and duties.
- b) No Member of Council shall use, or request the use of, for personal purpose any municipal property, equipment, services, supplies or other municipally-owned materials, other than for purposes connected with the discharge of municipal duties.
- c) No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.
- d) No Member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the general public for any purposes other than carrying out their official duties.

- e) No Member of Council, or person closely connected to a member, shall tender on such items such as the sale of older and extra equipment.

## **9) BUILDING, DEVELOPMENT, PLANNING, OR PROCUREMENT PROPOSALS BEFORE COUNCIL**

- a) No Members of Council shall solicit or accept support in any form from an individual, group or corporation, with any building, development, planning, or procurement proposal before Council.

## **10) IMPROPER USE OF INFLUENCE**

- a) No Member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.

## **11) BUSINESS RELATIONS**

- a) No Member of Council shall allow the prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.
- b) No Member of Council shall borrow money from any person who regularly does business with the municipality, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
- c) No Member of Council shall 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.

## **12) EMPLOYMENT OF PERSONS CLOSELY CONNECTED TO MEMBERS OF COUNCIL**

- a) No Member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.

- b) No Member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any person closely connected to the member.

### **13) FAIRNESS**

- a) No Member of Council shall give special consideration, treatment or advantage to any individual or entity beyond that which is accorded to all.
- b) No Member of Council shall give special consideration, treatment or advantage to an organization or group due to the member or person closely connected to the member being involved with or a member of the organization or group.

### **14) ADHERENCE TO POLICIES, PROCEDURES, BYLAWS AND OTHER LAWS**

- a) Members of Council will adhere to the Code of Conduct.
- b) Members of Council will adhere to the applicable national and provincial legislation.
- c) Members of Council will adhere to the procedures, policies and bylaws of the municipality.
- d) Members of Council will adhere to the expense and hospitality policy of the municipality.

### **15) RESPECT FOR COUNCIL AS A DECISION-MAKING BODY**

- a) A Member of Council must abide by and act in accordance with any decision made by Council, whether or not the member voted in favour of the decision.
- b) Members of Council must not encourage non-compliance with a statute, regulation, bylaw, policy or procedure.

## **16) COMMUNICATING ON BEHALF OF COUNCIL**

- a) A Member, other than the Mayor/Warden, must not claim to speak on behalf of Council unless the member has been authorized to do so.
- b) The Mayor/Warden/designated individual may speak on behalf of Council and must make every effort to convey the intent of Councils' decision accurately.

## **17) INTERACTIONS OF COUNCIL WITH STAFF AND SERVICE PROVIDERS**

- a) Members of Council must respect the role of the CAO as head of the administrative branch of government of the municipality and must not involve themselves directly in the administration of the affairs of the municipality, including, without limitation, the administration of contracts.
- b) No Member of Council shall direct, or attempt to direct, the CAO, other than through a direction provided by the Council as a whole.
- c) Members of Council shall be respectful of the role of CAO and municipal employees to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.
- d) Members of Council must not direct or influence, or attempt to direct or influence any municipal employees in the exercise of their duties or functions.
- e) Council cannot direct municipal employees except through the CAO.
- f) Members of Council are not to issue instructions to any of the contractors, tenderers, consultants or other service providers to the municipality.
- g) No Member of Council shall require or request that a municipal employee undertake personal chores or tasks for the Council member unrelated to municipal business.



- h) Members of council shall refrain from making public statements that are critical of specific and/or identifiable municipal employees and/or service providers.

## **18) RESPECTFUL INTERACTIONS**

- a) A Member of Council must not engage in discrimination or harassment on the grounds articulated in the Human Rights Act of Nova Scotia.
- b) A Member of Council must not sexually harass any person.
- c) A Member of Council must not engage in any discriminatory or harassing action or conduct, verbal or non-verbal, directed at one or more individuals or groups that creates a poisoned environment.

## **19) REPRISAL**

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

## **20) APPOINTMENT OF INVESTIGATOR**

- a) The Municipal Council will appoint a person or entity other than a Council Member or an employee of the municipality to receive and investigate complaints.
- b) The person or entity appointed must have experience in conducting investigations and in applying the principles of natural justice and procedural fairness.
  - i. No conflict of interest can exist between the investigator and the parties involved.
- c) The Municipality shall include the investigator's contact information on their publicly accessible website ([www.munpict.ca](http://www.munpict.ca)).

## **21) COMPLAINTS**

- a) Persons who have reason to believe that this code has been breached in any way are encouraged to bring their concerns forward.
- b) A complaint must be submitted to the investigator no later than 6 months from discoverability.
- c) Any complaints brought forward during the municipal election period of nomination day until ordinary polling day will not be investigated until the election has concluded.
- d) Investigations already in progress at the time of nomination day will continue;
- e) When a complaint is received by the investigator, the investigator shall notify the CAO/clerk of the fact that a complaint has been received.
- f) Investigator will determine if there is validity to the complaint. If no validity, then complaint can be dismissed.
- g) If the investigator finds that the complaint is valid, the investigator shall notify the member who is the subject of the complaint that a complaint has been made about them, and it is proceeding to an investigation.
- h) The investigator will begin their investigation and notify Council through a confidential email or in camera of the fact that a complaint is proceeding to the investigation phase.
- i) The investigator shall protect the confidentiality of the complainant, the subject(s) of the complaint, and all persons involved in the investigation, to the greatest extent possible, while still applying the principles of natural justice and ensuring procedural fairness.
- j) The investigator shall present a report to Council, no later than 6 months from the time the complaint is brought forward, on the investigation and include:

- i. a recommendation regarding the validity of the complaint and, if applicable,
- ii. a recommendation regarding an appropriate sanction.
- iii. Council may grant the investigator an extension on when the report can be brought to council for extenuating circumstances, including a delay during a municipal election period;
- iv. Council is able to discuss the investigators report in camera; and

## **22) DECISION OF COUNCIL**

- a) The Council determines if a breach occurred and determines the sanction(s) to impose.
- b) The member who had the complaint lodged against them will have the opportunity to review and respond to the information in the investigator's report, and make submissions to Council, prior to the Council's vote.
- c) A member of Council who has had a complaint lodged against them, or who has made the complaint, may not participate in the vote on whether there was a breach, and if applicable, may not participate in the decision regarding what sanction to impose.
- d) If a councilor is the subject of the complaint or has made the complaint under the Code the councilor shall:
  - i. In the case of a closed meeting, leave the room in which the meeting is held
  - ii. In the case of a public meeting, either leave the room or remain in the room in the part of the room for general public; and
  - iii. Refrain from voting on any question relating to the matter
- e) Any breach of the code determined by the council shall automatically retrigger the required Code of Conduct training.
- f) The section under the Code of Conduct the complaint was lodged and the investigators recommendations are made public.

- g) The decision or penalty of Council on a Code of Conduct matter is final and binding on all parties.
- h) The Council shall consider all of the following criteria prior to imposing a sanction or sanctions:
  - i. The nature of the code contravention;
  - ii. The length or persistence of the code contravention;
  - iii. If the member intentionally contravened the code of conduct;
  - iv. Has the member taken any steps to remedy the contravention;
  - v. If the member previously contravened the code of conduct;
  - vi. Any external factors that exist to the member's contravention (e.g. family situation, mental health); and
  - vii. The resources the member will need to complete their job.

## **23) SANCTIONS**

- a) The Member of Council who has been found to have contravened the code of conduct may have the following sanctions imposed by the Council:
  - i. The Member may receive a letter of formal reprimand or warning, as directed by Council.
  - ii. The Council may require that the Member to issue a letter to include to the Council with acknowledgement of breach of code and an apology within 15 days.
  - iii. the member will be required to attend training, appropriate to the incident, as directed by council.
  - iv. The Council may censure the member publicly.
  - v. The Council may limit the member's access to certain local government facilities, equipment and/or property.
  - vi. The Council may suspend or remove the member as deputy warden (if applicable) and/or the chair of a committee (if applicable).
  - vii. The Council may suspend or remove the member for no longer than 6 months from some or all committees and/or boards.
  - viii. The Council may impose a limit on the member's participation on behalf of the municipality.
  - ix. The Council may Impose a limit on the member's travel and/or expense reimbursement on behalf of the municipality.

- x. The Council may impose a fine on the member for up to \$1,000 per occurrence, which is to be paid no later than 6 months from the decision of council and to be collected in the same manner as other taxes.
- xi. The Council may Impose an appropriate reduction in remuneration to the member for no longer than 6 months.
- xii. The Council may make member repay any direct monetary loss realized by the municipality as a result of the member's action in any amounts determined by the investigator.
- xiii. The Council may make member repay any direct monetary gain they obtained from their actions in any amounts determined by the investigator.

## **24) REPEAL**

- a) All former policies and or practices of Council with respect to Code of conduct are repealed including **Policy #2012-08-42.**