

Municipality of the District of Lunenburg

Policy Details	
Name	Code of Conduct for Elected Officials
Number	037
Legislative Authority	MGA s.520(1)(cd)
Effective Date	November 26, 2024

Purpose

- 1 (1) The purpose of the Code of Conduct Policy is to establish standards of professional conduct for elected officials. The Code of Conduct operates together and as a supplement to other applicable laws, including the bylaws and policies of the Municipality.
- (2) This Policy applies to elected officials at all times with respect to their behaviour regarding any action that negatively impacts the Municipality or tarnishes its reputation.
- (3) Nothing in this Policy is intended to silence elected officials from sharing or expressing dissenting opinions.
- (4) This Policy applies to elected officials from the time they are declared elected until:
 - a) their resignation;
 - b) their disqualification while in office;
 - c) their successor is sworn into office; or
 - d) if there is no successor, until the meeting at which the successor would have been sworn into office.

Guiding Principles

- 2 (1) Collegiality – Members of Council will work together to further the best interests of the Municipality in an honest and honourable way.
- (2) Respect – Members of Council will demonstrate respect towards one another, the democratic decision-making process, and the role of staff.
- (3) Integrity – Members of Council are expected to act lawfully and adhere to strong ethical principles by giving the Municipality's interests priority over private individual interests.
- (4) 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.

(5) Transparency – Members of Council will be truthful and open regarding their decisions and action and make every effort to accurately communicate information openly to the public.

(6) 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.

General Conduct

- 3 (1) Members of Council must be truthful and forthright, and not deceive or knowingly mislead Council, the CAO, or the public.
- (2) Members of Council will respect the presiding officers, colleagues, staff, and members of the public that present during the Council meeting or other proceedings or meetings of the Municipality.
- (3) Members of Council will adhere to procedure and direction of presiding officers in respect of rules of procedure.
- (4) Members of Council must conduct Council business and all of the members' duties in an open and transparent manner, other than for those matters which Council is authorized by law to deal with in private.
- (5) Members of Council must ensure that they are not impaired by alcohol or drugs while attending any meeting of the Municipality.

Confidential Information

- 4 (1) Members of Council will not 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.
- (2) Members of Council will not use confidential information for personal or private gain or for the gain of any other person or entity.
- (3) 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.

- (4) Members of Council must not discuss any matters relating to an active investigation under this Policy with anyone other than the investigator or their own legal representative, unless required by law.

Gifts and Benefits

- 5 (1) Members of Council will 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, except for the following:
 - 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 Member of Council;
 - c) 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;
 - d) compensation authorized by the Municipality.

Use of Municipal Property, Equipment, and Services

- 6 (1) Members of Council will not use, or request the use of, any municipal property, including surplus material or equipment for personal convenience or profit, unless the property is:
 - a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or
 - b) made available to the Member of Council in the course of carrying out council activities and duties.
- (2) Members of Council will not use, or request the use of, for personal purposes, any municipal property, equipment, services, supplies or other municipally-owned materials, other than for purposes connected with the discharge of municipal duties.
- (3) Members of Council will not obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.
- (4) Members of Council will not use information, or attempt to use information, gained in the execution of their duties that is not available to the public for any purposes other than carrying out their official duties.
- (5) Members of Council, or person closely connected to a member, will not tender on items such as the sale of older and extra equipment.

Building, Development, Planning, or Procurement Proposals before Council

- 7 Members of Council will not solicit or accept support in any form from an individual, group or corporation, with any building, development, planning, or procurement proposal before Council.

Improper Use of Influence

- 8 Members of Council will not use the influence of their office for any purpose other than for the exercise of their official duties.

Business Relations

- 9 (1) Members of Council will not allow the prospect of their future employment by a person or entity to affect the performance of their duties to the Municipality.

(2) Members of Council will not 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.

(3) Members of Council will 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.

Employment of Persons Closely Connected to Members of Council

- 10 (1) Members of Council will not attempt to influence any municipal employee to hire or promote a person closely connected to the Member.

(2) Members of Council will not make any decision or participate in the process to hire, transfer, promote, demote, discipline, or terminate any person closely connected to the Member.

Fairness

- 11 (1) Members of Council will not give special consideration, treatment, or advantage to any individual or entity beyond that which is accorded to all.

(2) Members of Council will not 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.

Adherence to Policies, Procedures, Bylaws, and Other Laws

- 12 (1) Members of Council will adhere to the Code of Conduct and to the applicable national and provincial legislation.

(2) Members of Council will adhere to the procedures, policies, and bylaws of the Municipality.

(3) Members of Council will adhere to the expense and hospitality policy of the Municipality.

Respect for Council as a Decision-making Body

13 (1) Members of Council must abide by the Act in accordance with any decision made by Council, whether or not the Member voted in favour of the decision.

(2) Members of Council must not encourage non-compliance with a statute, regulation, bylaw, policy, or procedure.

Communicating on Behalf of Council

14 (1) A Member, other than the Mayor, must not claim to speak on behalf of Council unless the Member has been authorized to do so.

(2) The Mayor or designated individual may speak on behalf of Council and must make every effort to accurately convey the intent of Council's decision.

Interactions of Council with Staff and Service Providers

15 (1) Members of Council must respect the role of the CAO as head of the administrative branch of the government of the Municipality and must not involve themselves directing in the administration of the affairs of the Municipality, including, without limitation, the administration of contracts.

(2) Members of Council will not direct, or attempt to direct, the CAO, other than through a direction provided by the Council as a whole.

(3) Members of Council will 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 fraction of the Council.

(4) 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.

(5) Council cannot direct municipal employees except through the CAO.

(6) Members of Council are not to issue instructions to any of the contractors, tenderers, consultants or other service providers to the Municipality.

(7) Members of Council will not require or request that a municipal employee undertake personal chores or tasks for the Council Member unrelated to municipal business.

(8) Members of Council will refrain from making public statements that are critical of specific and/or identifiable municipal employees and/or service providers.

Respectful Interactions

- 16 (1) Members of Council must not engage in discrimination or harassment on the grounds articulated in the **Human Rights Act** of Nova Scotia.
- (2) Members of Council must not sexually harass any person.
- (3) Members 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 create a poisoned environment.

Reprisal

- 17 Members of Council must not undertake any act of reprisal or threaten reprisal against a complainant in a matter under the Code of Conduct or any person providing relevant information in relation to a matter under this Code of Conduct.

Sanctions Framework

- 18 (1) Council will consider all of the following criteria prior to imposing a sanction or sanctions:
- a) The nature of the contravention of the code.
 - b) The length or persistence of the contravention of the code.
 - c) Intentional contravention of the code.
 - d) Remediation of the contravention of the code.
 - e) Prior incidents of contravention of the code.
 - f) External factors that exist to the contravention of the code, i.e., family situation, mental health.
 - g) Resources that may be required for the Member to complete their job.

Breaching the Code of Conduct

- 19 (1) Possible sanctions to be imposed on a Member of Council for breaching the Code of Conduct are as follows:
- a) Member will receive a letter of formal reprimand or warning, as directed by Council.

- b) Member will issue a letter to include acknowledgement of breach of code and an apology within 15 days.
- c) Member will be required to attend training, appropriate to the incident, as directed by Council.
- d) The Member will be censured publicly.
- e) Limit the Member's access to certain local government facilities, equipment and/or property.
- f) Suspend or remove the Member as Deputy Mayor and/or the Chair of a committee, if applicable.
- g) Suspend or remove the Member for no longer than 6 months from some or all committees and/or boards.
- h) Impose a limit on the Member's participation on behalf of the Municipality.
- i) Impose a limit on the Member's travel and/or expense reimbursement on behalf of the Municipality.
- j) 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.
- k) Impose an appropriate reduction in remuneration to the Member for no longer than 6 months.
- l) Require that the Member repay any direct monetary loss realized by the Municipality as a result of the Member's action in any amounts determined by an investigator.
- m) Require that the Member repay any direct monetary gain they obtained from their actions in any amounts determined by an investigator.

(2) Failure to comply with a sanction imposed is considered to be a breach of the Code of Conduct and will go to Council with the investigator's recommendation only.

Complaint and Investigative Process

- 20 (1) The Municipality will appoint a person or entity with experience in conducting investigations and applying the principles of natural justice and procedural fairness. No conflict of interest can exist between the investigator and the parties involved.
- (2) The Investigator's contact information is available on the MODL website.
- (3) The complaint must be submitted to the Investigator no later than 6 months from discoverability.
- (4) A complaint brought forward during a municipal election period, from nomination day until ordinary polling day, will not be investigated until the election has concluded. Investigations already in progress at the time of the nomination day will continue.

- (5) The Investigator will notify the CAO/Clerk of a complaint upon receipt.
- (6) The Investigator will determine the validity of the complaint. If not valid, the complaint will be dismissed. If valid, the Investigator will:
 - a) notify the Member that a complaint has been made against them and advise that an investigation is proceeding; and
 - b) notify Council through a confidential email or brought to an in camera session of Council of the fact that a complaint is proceeding to the investigation phase.
- (7) The Investigator will protect the confidentiality of the complainant, the subject 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.
- (8) No later than 6 months after the receipt of the complaint, the Investigator will present a report to Council on the investigation, including a recommendation regarding the validity of the complaint and, if applicable, a recommendation regarding an appropriate sanction.
- (9) Under extenuating circumstances, Council may grant an extension of the 6-month deadline of the report. These circumstances could include a delay due to a municipal election.
- (10) The report to Council falls under the criteria for In Camera.
- (11) The Member who is the subject of the complaint will have an opportunity to review and respond to the Investigator's report and make submissions to Council, prior to Council's decision.
- (12) Council determines the validity of the breach and the sanction(s) to be imposed.
- (13) The Member who is the subject of the complaint under this Code of Conduct will:
 - a) leave the room if the discussion is being held in camera;
 - b) leave the room or remove themselves from the table if the discussion is part of the regular public session;
 - c) refrain from voting on any question relating to the matter.
- (14) The Member who has made the complaint under this Code of Conduct will:

- a) leave the room if the discussion is being held in camera;
- b) leave the room or remove themselves from the table if the discussion is part of the regular public session;
- c) refrain from voting on any question relating to the matter.

(15) Any breach of this Code of Conduct will automatically retrigger the required Code of Conduct training.

(16) The section under the Code of Conduct under which the complaint was lodged and the Investigator's recommendations will be made public.

(17) Council's decision or penalty on a Code of Conduct matter is final and binding on all parties.

Code of Conduct Training

- 21 (1) Elected officials are 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 of Conduct. The matter of this breach may go to Council without investigation.
- (2) Any breach of this Code of Conduct will result in additional training for the Member who committed the breach.
- (3) The training will be developed and delivered in an online module format with quizzes and a minimum pass rate to ensure a minimum level of understanding.

Review of Code of Conduct Policy

- 22 A review and re-adoption of the Code of Conduct will take place every 4 years.

Repeal & Replace

- 23 Policy MDL-37 A Policy Respecting a Code of Conduct dated October 17, 2007 is repealed and replaced with the new Policy 037 Code of Conduct for Elected Officials.

Policy Adoption	
Date of Original Passage	October 9, 2007
Date of Notice of Intent to Repeal & Replace	November 19, 2024
Date of Council Approval	November 26, 2024

Date of Effective Date (if different from approval date)	November 26, 2024
I certify that this Policy 037 Code of Conduct for Elected Officials was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk 	Date November 26, 2024

Version	Amendment Description	Approval Date
Original V1	A Policy Respecting a Code of Conduct	Oct 9, 2007
	Repeal & Replace with new provincial standards	Nov 26, 2024
Original V1	Code of Conduct for Elected Officials. New version includes conduct standards for elected officials only.	Nov 26, 2024