

## Notes:

- This document is worded for the municipal context, but it is envisioned that a standard COC would also be prepared for villages, with appropriate adjustments to the terminology.
- For presentation purposes the definitions used in the document are listed directly below the section they are being used in. Eventually these will be moved to the definitions section of the proposed code of conduct.

- **The code of conduct will be**

One model code for all municipalities and villages to be included in regulation. It is envisioned there will be one standard code written for municipalities and one for villages.

- **The code of conduct is intended to be applied to**

Elected officials at all times, in all locations, whether physical or virtual, with respect to an elected official's behaviour regarding any action that negatively impacts the municipality or tarnishes the municipality's reputation.

Nothing in this code is intended to silence elected officials from sharing or expressing dissenting opinions.

- **The COC should set out standards for the conduct of members, which are set out below by general topic.**

## **General Conduct**

- Members of council must be truthful and forthright, and not deceive or knowingly mislead Council, the CAO, or the public.
- Members of Council will respect the presiding officers, colleagues and members of the public that present during the council meeting or other proceedings/meetings of the municipality.
- Members of Council will adhere to procedure and direction of presiding officers in respect to rules of procedure.
- 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.
- Members of Council must ensure that they are not impaired by alcohol or drugs while attending any meeting of the municipality.

## **Confidential Information**

- 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.
- No Member of Council will use confidential information for personal or private gain or for the gain of any other person or entity.
- Members of Council should not access or attempt to access to 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.

**Confidential information** includes information in the possession of, or received in confidence by, 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 Municipal Government Act or any other legislation, or any other information that pertains to the business of the municipality and is generally considered to be of a confidential nature, including:

- the security of the property of the Municipality;
- a proposed or pending acquisition or disposition of land or other property;
- a tender that has or will be issued but has not been awarded;
- contract negotiations;
- employment and labour relations;
- draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- law enforcement matters;
- litigation or potential litigation, including matters before administrative tribunals; and
- advice that is subject to solicitor-client privilege.

## **Gifts and Benefits**

- 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.
- 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.

**Persons Closely Connected to a Member:** includes “person closely connected”, in relation to a member, means a family member, an agent, a business partner or an employer of the member;

**Family member:** includes in relation to a person, a spouse, parent or guardian, step-parent, child, step-child, a sibling, step-sibling, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of the person

### **Use of Municipal Property, Equipment and Services**

- 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.
- 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.
- No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.
- 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.

### **Planning or Procurement Proposals before Council**

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

### **Improper Use of Influence**

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

### **Business Relations**

- 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.
- 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.
- 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.

### **Employment of Persons Closely Connected to Members of Council**

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

**Persons Closely Connected to a Member:** includes “person closely connected”, in relation to a member, means a family member, an agent, a business partner or an employer of the member;

**Family member:** includes in relation to a person, a spouse, parent or guardian, step-parent, child, step-child, a sibling, step-sibling, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of the person

### **Fairness**

- No member of Council shall give special consideration, treatment or advantage to any individual or entity beyond that which is accorded to all.
- 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.

### **Adherence to Policies, Procedures, Bylaws and Other Laws**

- Members of Council will adhere to the applicable national and provincial legislation.
- Members of Council will adhere to the procedures, policies and bylaws of the municipality.
- Members of Council will adhere to the expense and hospitality policy of the municipality.

#### **Respect for Council as a decision-making body**

- 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.
- Members of Council must not encourage non-compliance with a bylaw, policy or procedure.

#### **Communicating on behalf of Council**

- 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.
- The Mayor/Warden/designated individual may speak on behalf of council and must make every effort to convey the intent of councils' decision accurately.

#### **Interactions of Council with Staff and Service Providers**

- 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.
- No member of Council shall direct, or attempt to direct, the CAO, other than through a direction provided by the Council as a whole.
- 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.
- 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.
- Council cannot direct municipal employees except through the CAO.
- Members of Council are not to issue instructions to any of the contractors, tenderers, consultants or other service providers to the municipality.
- No member of council shall require or request that a municipal employee person undertake personal chores or tasks for the council member unrelated to municipal business.

- Members of Council must not make public statements reflecting negatively on individual or groups of municipal employees.

### **Respectful Interactions**

- A member of council must not engage in discrimination or harassment on the grounds articulated in the Human Rights Act of Nova Scotia
- A member of council must not sexually harass any person
- 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.

Harass: means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome;

Sexual harassment: means (i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome, (ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or (iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance

Discrimination: making a distinction, whether intentional or not, based on a characteristic or perceived characteristic such as, but not limited to, race, ethnicity, nationality, culture, gender identity, sexual orientation, family status, source of income, disability, neurodiversity or age. That 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 individuals of society.

Poisoned environment: means an environment where harassing and/or discriminatory conduct, is found to be sufficiently severe, intimidating, hostile, offensive, and/or pervasive to cause significant and unreasonable interference to a person's work environment.

### **Reprisal**

- 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.