

ELECTED OFFICIALS CODE OF CONDUCT POLICY

1. PURPOSE

The public expects the highest standards of professional conduct from members elected to local government. The purpose of this code is to establish guidelines for the ethical and inter-personal conduct of members of council (“members”). The council is answerable to the community through democratic processes and this code will assist in providing for the good government of the Town of Port Hawkesbury.

2. STANDARDS OF CONDUCT

Members shall uphold the law and at all times:

- 2.1 Seek to advance the common good of the Town of Port Hawkesbury as a whole, while conscientiously representing the communities they serve;
- 2.2 Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
 - 2.2.1 Integrity – giving the Town’s interests absolute priority over private individual interests;
 - 2.2.2 Honesty – being truthful and open;
 - 2.2.3 Objectivity – making decisions based on a careful and fair analysis to the facts;
 - 2.2.4 Accountability – being accountable to each other and the public for decisions taken;
 - 2.2.5 Leadership – confronting challenges and providing direction on the issues of the day.
- 2.3 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.

3. COUNCIL RESPONSIBILITIES

The council (or its designated committee) will:

- 3.1 Review the Town's Code of Conduct as required and make any amendments considered appropriate;
- 3.2 Review, consider or take other action concerning any violation of the Code of Conduct which is referred to council for consideration. Where there is any conflict between the Code of Conduct and the requirements of any statute of the provincial or federal government, provincial or federal statutes shall take precedence.

4. MEMBER RESPONSIBILITIES

CONDUCT TO BE OBSERVED

Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the policies of the municipality as well as all 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.

DEDICATED SERVICE

All members should faithfully work towards developing programs to address the needs of the citizens in the course of their duties. Members should strive to perform at a level which is expected of those who work in the public's interest.

RESPECT FOR DECISION-MAKING PROCESS

All members recognize the responsibility of the mayor to accurately communicate the decisions of the council, even if they disagree with such decisions, such that respect for the decision-making processes of council is fostered.

CONDUCT AT MEETINGS

Members shall respect the chair, colleagues, staff and members of the public present during council meetings or other proceedings of the Town. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making.

RELEASE OF CONFIDENTIAL INFORMATION PROHIBITED

No member shall 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 Town to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

GIFTS AND BENEFITS

No member shall show favoritism or bias toward any vendor, contractor or others doing business with 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.

USE OF PUBLIC PROPERTY

No Member shall 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. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources.

OBLIGATIONS TO CITIZENS

No member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

INTERPERSONAL BEHAVIOUR

Members shall treat every person, including other members, corporate employees, 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.

Harassment and/or discrimination includes intentional or unintentional language or action used against an individual or group, that threatens, demeans, excludes, humiliates, provides unequal treatment or causes embarrassment or behaviors as outlined and prohibited within the N.S. Human Rights Code and existing Town Policies.

COMMUNITY REPRESENTATION

Members shall observe a high standard of professionalism when representing the Town and in their dealings with members of the broader community.

5. GOOD GOVERNANCE

Members accept that effective governance of the municipality is critical to ensuring that decisions are taken in the best interests of all stakeholders and to enable the Town to function as a good corporate citizen.

6. GOVERNMENT RELATIONSHIPS

Members 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.

7. CONFLICT OF INTEREST AVOIDANCE

Members are committed to making decisions impartially and in the best interest of the Town and recognize the importance of fully observing the requirements 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.

8. REPORTING BREACHES

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 shall be taken against any member or municipal employee who, acting in good faith, brings forward such information.

9. CORRECTIVE ACTION

Any reported violation of the code will be subject to investigation by the 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.

10. COMPLIANCE WITH CODE

Members acknowledge the importance of the principles contained in this code which will be self-regulated by council. Councillors are encouraged to sign a "Statement of Commitment" within seven (7) days of taking the councillor's oath pursuant to section 147 of the Municipal Elections Act, R.S.N.S. 1989, c. 300.

Council as a whole provides for the enforcement of this Code of Conduct upon its members. Any complaint made under this code will be administered by the CAO in conjunction with the Mayor, who will delegate the inquiries as appropriate and make recommendations as are reasonable.

11. COMPLAINT PROCESS

All complaints will be considered informal unless a complaint form is filed and remitted to the Town detailing the concern issue.

Anonymous complaints that include threats, harassing statements, abusive language or vulgarity will be saved but not considered or tracked.

A complaint form may be obtained from the Town's CAO's office. This form shall be used by members of the public or any member of Council.

All complaints shall be handled in accordance with provisions of the Freedom of Information and Protection of Privacy Act unless the person waives the right to confidentiality in writing.

12. INVESTIGATION of an ALLEGED BREACH OF THE CODE OF CONDUCT

A copy of the signed complaint and a request for an investigation into an alleged breach shall be made in writing to the CAO's office within a reasonable time after the alleged breach (generally 30 days). The request shall contain the name of the Member who breached the Code of Conduct as well as details of the specific breach.

The CAO shall acknowledge the complaint to the complainant within 3 business days.

The CAO may delegate the inquiry as appropriate, including seeking advice from legal counsel as necessary.

The CAO or delegate will make every effort to address the issue within 30 business days or provide an estimate of time required if expected to take longer.

The CAO or delegate will report to Council in writing for each complaint.

13. DECISIONS REPORTED TO COUNCIL AND OPTIONS FOR REMEDIAL ACTION

Where the investigation has found a probable breach, the complaint will be brought to Council during a public meeting (censured where necessary by the MGA). Only Council can decide that an actionable breach has occurred. Council shall rule on penalties to a member within 60 days of the breach if reasonably possible.

14. PENALTIES FOR A BREACH OF THE CODE OF CONDUCT

The Council of the Town of Port Hawkesbury may impose penalties with regard to a breach of the CODE of CONDUCT including but not limited to:

- a. Public reprimand or requirement for public apology.
- b. Expulsion from one or more meetings for up to 90 days
- c. Removal from appointments or chair positions
- d. Expulsion from in-camera meetings
- e. Suspension of the remuneration paid to a member for up to 90 days
- f. Any combination of the above

CAO's Annotation for Official Policy Book

Policy Review Notification: *October 12, 2021*

Policy Review Date: *November 2, 2021*

Amended by Council:



Terry Doyle, P. Eng.
Chief Administrative Officer