

MUNICIPALITY OF THE DISTRICT OF ARGYLE POLICY AND ADMINISTRATION MANUAL	REFERENCE NUMBER _____
SECTION PROCEDURE AND ORGANIZATION OF COUNCIL	SUBJECT CODE OF CONDUCT - COUNCIL

1. APPLICATION

1.1. This policy applies to all members of Council of the Municipality of Argyle.

2. PURPOSE

2.1. The public expects the highest standards of professional conduct from Members elected to local government. The purpose of this Code is to ensure good governance and high standards of conduct are required on the part of all municipal elected officials. This code also establishes 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 Municipality of the District of Argyle.

3. STANDARDS OF CONDUCT

3.1. Members shall uphold the law and at all times:

- a) Seek to advance the common good of the municipality as a whole while conscientiously representing the communities they serve;
- b) Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
 - 3.1.b.1. **Integrity-** giving the municipality’s interests absolute priority over private individual interests;
 - 3.1.b.2. **Honesty-** being truthful and open;
 - 3.1.b.3. **Objectivity-** making decisions based on a careful and fair analysis of the facts;
 - 3.1.b.4. **Accountability-** being accountable to each other and the public for decisions taken;
 - 3.1.b.5. **Leadership-** confronting challenges and providing direction on the issues of the day
- c) Uphold this Code as a means of promoting the standards of behaviour expected of Members and enhancing the credibility and integrity of Council in the broader community.

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4. COUNCIL RESPONSIBILITIES

4.1. The Council (or its designated committee) will:

- a) review the municipality's Code of conduct as required and make any amendments considered appropriate
- b) review, consider or take other action concerning any violation of the Code of Conduct which is referred to Council for consideration.
- c) Members shall respect the Council and Chief Administrative Officer relationship and shall not act in contravention of Section 30 of the Municipal Government Act, which states:

4.1.c.1. The Chief Administrative Officer is the head of the administrative branch of the government of the municipality and is responsible to the council for the proper administration of the affairs of the municipality in accordance with the by-laws of the municipality and the policies adopted by Council,

4.1.c.2. The council shall communicate with the employees of the municipality solely through the Chief Administrative Officer, except that the council may communicate directly with employees of the municipality to obtain or provide information

4.1.c.3. The council shall provide direction on the administration, plans, policies and programs of the municipality to the Chief Administrative Officer

4.1.c.4. No council member, committee or member of a committee established by the council shall instruct or give direction to, either publicly or privately, an employee of the Municipality.

4.2. 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.

5. MEMBER RESPONSIBILITIES

5.1. Conduct to be Observed

- a) 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 by-laws 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 fulfil the responsibilities of their offices, regardless of their personal or financial interests.

5.2. Dedicated Service

- a) 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

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at a level which is expected of those who work in the public's interest.

5.3. **Respect for Decision-Making Process and media relations**

- a) All Members recognize the responsibility of the Warden 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.
- b) All press releases, sent directly or indirectly to the press via social media, shall be by the Warden or Chief Administrative Officer. Press releases prepared by the CAO shall require Warden's approval.
- c) Press interviews for local district interests shall be considered appropriate communication from any councillor.
- d) Media requests that are likely to have a municipal or regional impact should be led by the Warden. If a councillor is approached to provide comment, he/she shall first contact the Warden. At the Warden's option, he/she either accepts to speak on behalf of the municipality or collaborates with the councillor to ensure the message is appropriate and reflects the municipal position on the subject.
- e) The Warden may consider calling an emergency meeting of council to ensure that the media message reflects the view of Council.
- f) The Council is fiscally committed to supporting media and social media training to support the Warden and CAO, and may also provide that training to council where fiscally appropriate.

5.4. **Conduct at Meetings**

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

5.5. **Release of Confidential Information Prohibited**

- a) 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 municipality 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. Members are restricted from sharing information shared in an in-camera session and shall be held accountable under Section 22 (6) of the MGA.

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5.6. Gifts and Benefits

- a) No Member shall show favouritism 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.

5.7. Appropriate use of municipal assets and services

- a) Members shall 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 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.

5.8. Council Policies

- a) Members must adhere to all the municipality's Council policies. Nonadherence to other policies shall be considered a breach in code of conduct.

5.9. Use of Public Property

- a) 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.

5.10. Obligations to Citizens

- a) 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.

5.11. Interpersonal Behaviour

- a) 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.

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5.12. Community Representation

- a) Members shall observe a high standard of professionalism when representing the municipality and in their dealing with members of the broader community.

6. GOOD GOVERNANCE

- 6.1. 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 municipality to function as a good corporate citizen.

7. GOVERNMENT RELATIONSHIPS

- 7.1. 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.

8. CONFLICT OF INTEREST

- 8.1. Members are committed to making decisions impartially and in the best interests of the municipality 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.

8.2. Members are aware of Conflict of Interest Sections of the Municipal Government Act Section 144 that regulates conduct regarding the purchase of land at a tax sale.

8.3. Where a member has any direct or indirect pecuniary interest in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member shall: disclose the interest; withdraw from his/her place as a member; withdraw from the room (or to the public gallery); refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the council or local board with respect to the matter.

9. REPORTING BREACHES

- 9.1. Persons who have reason to believe that this Code has been breached in any way are expected to bring their concerns forward, either to the CAO or to the Warden. The

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complaint shall be forwarded to our municipal solicitor for investigation, if an investigation is warranted by either the CAO or the Warden. In the event the Municipal Solicitor has a conflict of interest in the matter of such an investigation, the Municipal Solicitor, in consultation with the Warden or CAO, as the case may be, may refer the matter to another appropriate Solicitor.

- a) Where possible a complaint must be made in writing and include details of the following:
 - 9.1.a.1. A description of the events or situation
 - 9.1.a.2. Dates and times of the events or incidents
 - 9.1.a.3. Location, if applicable, of where it happened.
 - 9.1.a.4. Names of any other witnesses to the breach.
- b) No adverse action shall be taken against any Member or municipal employee who, acting in good faith, brings forward such information.
- c) Where a Councillor reports a violation of the Code in good faith, they will not be disciplined or threatened with discipline. Intimidation or coercion by any employee or councillor of the Municipality attempting to prevent reporting of a potential breach of the Code will not be tolerated.
- d) A Councillor who knowingly makes a false disclosure or false accusation about a breach of the Code will be subject to disciplinary action, up to and including suspension without pay.

10. CORRECTIVE ACTION

10.1. Any reported violation of the Code will be subject to investigation. The investigation will be led by the Municipal solicitor. In the event the Municipal Solicitor has a conflict of interest in the matter of such an investigation, the Municipal Solicitor, in consultation with the Warden or CAO, as the case may be, may refer the matter to another appropriate Solicitor. 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. Corrective action may include:

- a) Expulsion from one or more meetings for up to 90 days
- b) Removal from appointments or chair positions
- c) Expulsion from in-camera meetings

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- d) A verbal warning to the Member that clearly defines the nature of the breach.
- e) Formal written warning to the Member for the breach, with a request to cease such behaviors. This step may include a request to take specific training to address the breach, failure to agree could result in further corrective actions.
- f) Suspension with pay, which would include public disclosure of the suspension, the duration, and the fact that the Code of Conduct Policy was breached (not the specifics of the breach).
- g) Suspension without pay, which would include public disclosure of the suspension, the duration and the fact that the Code of Conduct Policy was breached (not the specifics of the breach).
- h) Where a criminal charge is laid, the Municipality reserves the right to suspend a Member without pay pending trial.
- i) Termination of a Member if a criminal investigation as led by the RCMP, where the breach results in a conviction of a corrupt practice or bribery, or an indictment punishable by imprisonment.

11. COMPLIANCE WITH CODE

11.1. Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council with support from the CAO and municipal solicitor where necessary. 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.

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ATTACHMENT A

STATEMENT OF COMMITMENT TO COUNCILLORS' CODE OF CONDUCT

I, (Full Name) _____ declare that as a Councillor of
the Municipality of the District of Argyle I acknowledge and support the Councillors' Code
of Conduct.

Signed: _____

Declared this _____ day of _____, 2020

Before us:

Chief Administrative Officer

Municipal Clerk

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DRAFT

<u>Chief Administrative Officers's Annotation for Official Policy Book</u>	
Date of Notice to Council Members Of Intent to Consider [7 days minimum]: <u>November 5, 2008</u>	
Date of Passage of Current Policy: <u>December 9, 2008</u> Date of Passage of amended policy: _____	
I certify that this Policy was adopted by Council as indicated above.	
_____ Warden	_____ Date
_____ Chief Administrative Officer	_____ Date