



Municipality of the District of Yarmouth Councillor Code of Conduct

1. Application

- 1.1 Code of Conduct shall apply to elected officials from the time that they are declared elected until:
 - 1.1.1 their resignation;
 - 1.1.2 their disqualification while in office; or
 - 1.1.3 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.

2. Council Responsibilities

- 2.1 The Council (or its designated committee) will:
 - 2.1.1 Review the Municipality's Code of Conduct as required and make any amendments considered appropriate;
 - 2.1.2 Review, consider or take other action concerning any violation of the Code of Conduct which is referred to Council for consideration.
- 2.2 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.

3. Guiding Principles

- 3.1 The guiding principles to be included are:
 - 3.1.1 Collegiality – Members of Council will work together to further the best interests of the Municipality in an honest and honourable way.
 - 3.1.2 Respect – Members of Council will demonstrate respect towards one another, the democratic decision-making process, and the role of staff. 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.



Municipality of the District of Yarmouth Councillor Code of Conduct

- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 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.
- 3.1.7 Objectivity – making decisions based on a careful and fair analysis of the facts;
- 3.1.8 Accountability – being accountable to each other and the public for decisions taken;
- 3.1.9 Leadership – confronting challenges and providing direction on the issues of the day.

4. General Conduct

- 4.1 Members of Council must be truthful and forthright, and not deceive or knowingly mislead Council, the CAO, or the public.
- 4.2 Members of Council will respect the presiding officers, colleagues, staff and members of the public that present during the council meeting or other proceedings/meetings of the Municipality.
- 4.3 Members of Council will adhere to procedure and direction of presiding officers in respect to rules of procedure.



Municipality of the District of Yarmouth Councillor Code of Conduct

- 4.4 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.
- 4.5 Members of Council must ensure that they are not impaired by alcohol or drugs while attending any meeting of the Municipality.

5. Conflict of Interest Avoidance

- 5.1 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.

6. Confidential Information

- 6.1 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.
- 6.2 No Member of Council will use confidential information for personal or private gain or for the gain of any other person or entity.
- 6.3 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.
- 6.4 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

- 7.1 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:



Municipality of the District of Yarmouth Councillor Code of Conduct

- 7.1.1 gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - 7.1.2 a suitable memento of a function honouring the member of Council;
 - 7.1.3 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;
 - 7.1.4 compensation authorized by the Municipality.
- 7.2 No Member shall show favoritism or bias toward any vendor, contractor or others doing business with the Municipality.
- 7.3 Members are prohibited from accepting gifts or favors from 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.
- 7.4 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

- 8.1 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:
- 8.1.1 available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
 - 8.1.2 made available to the member of Council in the course of carrying out council activities and duties.
- 8.2 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.
- 8.3 No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.



Municipality of the District of Yarmouth Councillor Code of Conduct

- 8.4 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.
- 8.5 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

- 9.1 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

- 10.1 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

- 11.1 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.
- 11.2 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.
- 11.3 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. Inter-Governmental Relations

- 12.1 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.



Municipality of the District of Yarmouth Councillor Code of Conduct

13. Employment of Persons Closely Connected to Members of Council

- 13.1 No Member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- 13.2 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.

14. Fairness

- 14.1 No Member of Council shall give special consideration, treatment or advantage to any individual or entity beyond that which is accorded to all.
- 14.2 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.

15. Adherence to Policies, Procedures, By-laws and Other Laws

- 15.1 Members of Council will adhere to the Code of Conduct.
- 15.2 Members of Council will adhere to the applicable national and provincial legislation.
- 15.3 Members of Council will adhere to the procedures, policies and by-laws of the Municipality.
- 15.4 Members of Council will adhere to the expense and hospitality policy of the Municipality.

16. Respect for Council as a decision-making body

- 16.1 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.
- 16.2 Members of Council must not encourage non-compliance with a statute, regulation, by-law, policy or procedure.
- 16.3 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.



Municipality of the District of Yarmouth Councillor Code of Conduct

- 16.4 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.

17. Communicating on behalf of Council

- 17.1 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.
- 17.2 The Mayor/Warden/designated individual may speak on behalf of Council and must make every effort to convey the intent of Councils' decision accurately.

18. Interactions of Council with Staff and Service Providers

- 18.1 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.
- 18.2 No Member of Council shall direct, or attempt to direct, the CAO, other than through a direction provided by the Council as a whole.
- 18.3 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.
- 18.4 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.
- 18.5 Council cannot direct municipal employees except through the CAO.
- 18.6 Members of Council are not to issue instructions to any of the contractors, tenderers, consultants or other service providers to the Municipality.
- 18.7 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.
- 18.8 Members of Council shall refrain from making public statements that are critical of specific and/or identifiable municipal employees and/or service providers.



Municipality of the District of Yarmouth Councillor Code of Conduct

19. Respectful Interactions

- 19.1 A Member of Council must not engage in discrimination or harassment on the grounds articulated in the *Human Rights Act of Nova Scotia*.
- 19.2 A Member of Council must not sexually harass any person.
- 19.3 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.

20. Reporting Breaches

- 20.1 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.

21. Investigations

- 21.1 Municipality or village will appoint a person or entity other than a Council Member or an employee of the Municipality to receive and investigate complaints.
 - 21.1.1 The person or entity appointed must have experience in conducting investigations and in applying the principles of natural justice and procedural fairness. No conflict of interest can exist between the investigator and the parties involved.
 - 21.1.2 Municipalities must include the investigator's contact information on their publicly accessible website.
- 21.2 A complaint must be submitted to the investigator no later than six (6) months from discoverability.
 - 21.2.1 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.
- 21.3 When a complaint is received by the investigator, the investigator shall notify the CAO/clerk of the fact that a complaint has been received within five (5) business days.



Municipality of the District of Yarmouth Councillor Code of Conduct

- 21.4 Investigator will, within thirty (30) days, determine if there is validity to the complaint. If no validity, then complaint can be dismissed.
- 21.4.1 If a complaint is dismissed, the Investigator shall file a report with Council, within ten (10) business days, indicating the following:
- 21.4.1.1 A complaint was received including the date it was received
- 21.4.1.2 A general description of the process undertaken leading to the dismissal of the complaint.
- 21.4.1.3 The report shall not stipulate the section of the Code of Conduct in question, the name of the complainant, or the name of the accused.
- 21.4.2 If the investigator finds that the complaint is valid, the investigator shall, within ten (10) business days, 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.
- 21.4.3 The investigator will begin their investigation and, within ten (10) business days, notify Council/the Commission through a confidential email or in camera of the fact that a complaint is proceeding to the investigation phase.
- 21.4.4 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.
- 21.4.5 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 a recommendation regarding the validity of the complaint and, if applicable, a recommendation regarding an appropriate sanction.
- 21.4.5.1 If complaint is brought forward during the municipal election period of nomination day until ordinary polling day it will not be investigated until the election has concluded. Investigations already in progress at the time of nomination day will continue;
- 21.4.5.2 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;
- 21.4.5.3 Council is able to discuss the investigator's report in camera; and



Municipality of the District of Yarmouth Councillor Code of Conduct

21.4.5.4 The member who had the complaint lodged against them will have the opportunity, within sixty (60) days, to review and respond to the information in the investigator's report, and make submissions to Council, prior to the Council's vote.

21.4.6 Council determines if a breach occurred and determines the sanction(s) to impose. If a Councillor is the subject of the complaint or has made the complaint under the Code the Councillor shall:

21.4.6.1 In the case of a closed meeting, leave the room in which the meeting is held;

21.4.6.2 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

21.4.6.3 Refrain from voting on any question relating to the matter.

21.4.7 Any breach of the code determined by Councils shall automatically retrigger the required Code of Conduct training.

21.4.8 The section under the Code of Conduct the complaint was lodged and the investigators recommendations are made public within thirty (30) days of Council's decision in Section 21.4.8.

21.4.9 The decision or penalty of Council/Commission on a Code of Conduct matter is final and binding on all parties.

22. Reprisal

22.1 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.

23. Corrective Action

23.1 If Council determines, in Section 21.4.8, that a violation of the Code of Conduct has occurred, the sanctions shall be guided by the framework in Appendix A attached.



Municipality of the District of Yarmouth Councillor Code of Conduct

Date last reviewed by Council: September 18, 2024

Date last amended:



Municipality of the District of Yarmouth Councillor Code of Conduct

Appendix B

Recommended Sanctions Framework and Possible Sanctions to be imposed Sanctions Framework

A Council or Commission shall consider all of the following criteria prior to imposing a sanction or sanctions:

1. The nature of the code contravention;
2. The length or persistence of the code contravention;
3. If the member intentionally contravened the code of conduct;
4. Has the member taken any steps to remedy the contravention;
5. If the member previously contravened the code of conduct;
6. Any external factors that exist to the member's contravention (e.g. family situation, mental health); and
7. The resources the member will need to complete their job.

Sanctions:

1. Member will receive a letter of formal reprimand or warning, as directed by Council.
2. Member will issue a letter to include acknowledgement of breach of code and an apology within fifteen (15) days.
3. Require the member to attend training, appropriate to the incident, as directed by Council.
4. Censure the member publicly.
5. Limit the member's access to certain local government facilities, equipment and/or property.



Municipality of the District of Yarmouth Councillor Code of Conduct

6. Suspending or removing the member as deputy head of Council and/or the chair of a committee, if applicable.
7. Suspending or removing the member for no longer than 6 months from some or all committees and/or boards.
8. Impose a limit on the member's participation on behalf of the Municipality.
9. Impose a limit on the member's travel and/or expense reimbursement on behalf of the Municipality.
10. Impose a fine on the member for up to \$1,000 per occurrence, which is to be paid no later than six (6) months from the decision of Council and to be collected in the same manner as other taxes.
11. Impose an appropriate reduction in remuneration to the member for no longer than six (6) months.
12. 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.
13. Make member repay any direct monetary gain they obtained from their actions in any amounts determined by the investigator.