



Section: Administration	Policy Name Code of Conduct for Elected Officials	Authority
Policy No. AD-1000-10	Effective Date January 26, 2009	Revision Date November 19, 2024

Title

1. The title of this Code of Conduct is the *Code of Conduct for Elected Officials of the Municipality of the District of Digby*.

Preamble

2. (1) The public expects the highest standards of professional conduct from Members elected to local government. The purpose of this Code of Conduct is to establish guidelines for the ethical and inter-personal conduct of Members of Council. This Code of Conduct will assist in providing for the good government of the Municipality of the District of Digby.

(2) This Code of Conduct shall apply to elected officials from the time that they are declared elected until:
 - (i) Their resignation;
 - (ii) Their disqualification while in office; or
 - (iii) 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.

Definitions

3. In this Code, the following definitions apply:

“Act” means the *Municipal Government Act*;



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“CAO” means Chief Administrative Officer;

“clerk” means the clerk of the municipality;

“closely connected” to a council member, means any of the following:

- (i) A family member of the council member,
- (ii) An agent of the council member,
- (iii) A business partner of the council member,
- (iv) An employer of the council member;

“Code” means the *Code of Conduct for Elected Officials of the Municipality of the District of Digby*;

“complaint” means a complaint regarding an alleged breach of the Code;

“confidential information” includes any information in the possession of 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 Act or other legislation, or that pertains to the business of the municipality and is generally considered to be of a confidential nature, including information about any of the following:

- (i) The security of the municipality’s property,
- (ii) A proposed or pending acquisition or disposition of land or other property,
- (iii) A tender that has or will be issued but that has not been awarded,
- (iv) Contract negotiations,
- (v) Employment and labour relations,
- (vi) Law enforcement matters,
- (vii) Litigation or potential litigation, including matters before administrative tribunals,



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(viii) Advice that is solicitor-client privileged;

“council” means the council of the municipality;

“discrimination” has the same meaning as in the *Human Rights Act*;

“elected official” means any council member, including the mayor or warden;

“family member” means in relation to a person, any of the following, and including a step-family member:

- (i) Spouse,
- (ii) Parent or guardian,
- (iii) Child,
- (iv) Sibling,
- (v) Sibling of a parent,
- (vi) Child of a sibling,
- (vii) Grandchild,
- (viii) Grandparent,
- (ix) Parent-in-law,
- (x) Sibling-in-law,
- (xi) Spouse of a child;

“harass” has the same meaning as in the *Human Rights Act*;

“investigator” means a person or entity appointed by a municipality under subsection 23C(1) of the *Act* to receive and investigate complaints;

“mayor” means the council member elected at large to be the chair of the council;

“municipality” means the Municipality of the District of Digby;



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“poisoned environment” means an environment where harassing or discriminatory conduct causes significant and unreasonable interference with a person’s work environment;

“sexual harassment” has the same meaning as in the *Human Rights Act*;

“warden” means the council member chosen by the council to be the chair of the council.

General Purpose

4. (1) The purpose of this Code is to set out the expectations for the behavior of members elected to council in carrying out their functions and making decisions that benefit the constituents in their municipality.
- (2) Nothing in this Code is intended to prevent elected officials from sharing or expressing dissenting opinions.

Interaction with Laws and Policies

5. (1) This Code is intended to operate together with, and as a supplement to, the applicable common law, the *Criminal Code of Canada*, the *Act*, the *Municipal Conflict of Interest Act* and any other applicable legislation.
- (2) This Code is intended to operate together with, and as a supplement to, the other By-Laws and policies of the municipality.
- (3) This Code prevails in any conflict between the Code and any municipal resolution, policy, or By-Law.

Guiding Principles

6. All of the following are the guiding principles for members of council conduct:
 - (1) Collegiality—council members must work together to further the best interests of the municipality in an honest and honorable way;
 - (2) Respect—council members must demonstrate respect towards one another, the democratic decision-making process, and the role of staff. Council members must not act in a manner that negatively impacts the municipality



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or tarnishes the municipality's reputation.

- (3) Integrity—council members must act lawfully and adhere to strong ethical principles by prioritizing the municipality interests over individual interests.
- (4) Professionalism—council members must create and maintain an environment that is respectful and free from all forms of discrimination and harassment, including sexual harassment. Council members must show consideration for every person's values, beliefs and contributions, and support and encourage others to participate in council activities.
- (5) Transparency—council members must be truthful and open regarding their decisions and actions and make every effort to accurately communicate information openly to the public.
- (6) Responsibility—council members are responsible for the decisions that they make and must be held accountable for their actions and outcomes. Council members must demonstrate awareness of their own conduct and consider how their words or actions may be perceived as offensive or demeaning.

General Conduct

7.
 - (1) A council member must be truthful and forthright, and not deceive or knowingly mislead Council, the CAO, staff or the public.
 - (2) A council member must show respect for chairs of council meetings, chairs of committee meetings, colleagues, staff, and members of the public that present during council meetings or other meetings of the municipality.
 - (3) A council member must adhere to the direction of the chairs of meetings with respect to the rules of procedures.
 - (4) A council member must conduct council business and all duties in an open and transparent manner, other than for those matters that council is authorized by law to carry out in private.
 - (5) A council member must not be impaired by alcohol or drugs while attending any council meeting or other meeting of the municipality.
 - (6) A council member must comply with any sanction imposed under this Code, and failing to comply with a sanction imposed is considered a breach of the Code.



Confidential Information

8. (1) A council member must not disclose or release any confidential information to the public in oral, written or any other form, other than when required by policy or law or authorized by the council to do so.
- (2) A council member must not use confidential information for personal or private gain or for the private gain of any other person or entity.
- (3) A council member must 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) A council member must not disclose any matters relating to an active investigation under the Code with anyone other than the investigator or their own legal council unless required by law.

Gifts and Benefits

9. (1) A council member must 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, other than the following exceptions:
 - (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 council member;
 - (c) Sponsorships and donations for community events organized or run by a council member or by a third party on behalf of a council member;
 - (d) Compensation authorized by the municipality.
- (2) A fee, advance, cash, gift, gift certificate or personal benefit paid or provided to a person closely connected to a council member, with the council member's knowledge, is deemed to be a gift to the council member.



Use of Municipal Property, Equipment, and Services

10. (1) A council member must not use, or request the use of, any municipal property, including surplus material or equipment, for personal convenience or profit, unless the property meets one of the following:
 - (a) It is generally available for use by the public and the council member is receiving no special preference in its use;
 - (b) It is made available to the council member in the course of carrying out council activities and duties, and is used for purposes connected with the discharge of municipal duties.
- (2) A council member must not obtain, or attempt to obtain, personal financial gain from the use or sale of intellectual property developed by the municipality.
- (3) A council member must not use information, or attempt to use information, gained in the course of their duties that is not available to the general public for any purpose other than carrying out their official duties.
- (4) A council member, or a person closely connected to a council member, must not tender on the sale of surplus municipal property, including old or extra equipment.

Building, Development, Planning, or Procurement Proposals before Council

11. A council member must 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

12. A council member must not use the influence of their office for any purpose other than for the exercise of their official duties.

Business Relations

13. (1) A council member must not allow any prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.
- (2) A council member must not borrow money from any person who regularly does



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business with the municipality, unless the person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

- (3) A council member must 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 Council Members

14. (1) A council member must not attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- (2) A council member must 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

15. (1) A council member must not give special consideration, treatment or advantage to any individual or entity beyond that which is given to all.
- (2) A council member must not give special consideration, treatment or advantage to an organization or group because the council member, or a person closely connected to the member, is involved with the organization or group.

Adherence to Policies, Procedures, By-Laws, and Other Laws

16. (1) Council members must adhere to all applicable federal and provincial legislation.
- (2) Council members must adhere to the procedures, resolutions, policies, and By-Laws of the municipality.
- (3) Council members must adhere to the expense and hospitality policy of the municipality.

Respect for Council as a Decision-Making Body

17. (1) A council member must abide by, and act in accordance with, any decision made by council, whether or not the member voted in favour of the decision.



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- (2) A council member must not encourage non-compliance with any legislation, regulation, By-Law, resolution, policy or procedure.

Communicating on Behalf of Council

18. (1) A council member, other than the mayor or warden, must not claim to speak on behalf of council unless the council member is authorized to do so.
- (2) The mayor, warden, or an individual designated by council may speak on behalf of council and must make every effort to convey the intent of council's decision accurately.

Interactions of Council with Staff and Service Providers

19. (1) A council member must respect the role of the CAO as head of the administrative branch of the municipality's government and must not involve themselves directly in the administration of the affairs of the municipality, including, without limitation, the administration of contracts.
- (2) A council member must not direct, or attempt to direct, the CAO or clerk other than through a direction provided by the council as a whole.
- (3) A council member must 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 group of the council.
- (4) A council member must not direct or influence, or attempt to direct or influence any municipal employees in the exercise of their duties or functions, unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the *Act*, and unless council as a whole has provided direction regarding same.
- (5) If a CAO has been appointed under Section 28 of the *Act*, a council member must not direct municipal employees except through the CAO.
- (6) Contractors, tenderers, consultants or other service providers to the municipality must not be issued instructions by council members
 - (a) If a CAO has been appointed under Section 28 of the *Act*; or
 - (b) Unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the *Act* and council as a whole has provided direction regarding same.



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- (7) A council member must not require or request that a municipal employee undertake personal chores or tasks for the member that are unrelated to municipal business.
- (8) A council member must not make public statements that are critical of specific identifiable municipal employees or service providers.

Respectful Interactions

20. (1) A council member must not engage in discrimination or harassment as prohibited by the *Human Rights Act*.
- (2) A council member must not sexually harass any person.
- (3) A council member 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.

Reprisals

21. A council member must not undertake any act of reprisal or threaten reprisal against a complainant in a matter under this Code or any person providing relevant information in relation to a matter under this Code.

Complaint and Investigation Process

22. (1) The municipality will appoint a person or entity other than a Council Member or an employee of the municipality to receive and investigate complaints.
- (2) 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.
- (3) The Municipality must include the investigator's contact information on its website. A complaint must be submitted to the investigator no later than 6 months from discoverability.

For the purposes of this Section, a complaint is discovered on the following applicable date:



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- (i) The date that the complainant first knew or ought reasonably to have known that the council member's conduct or action was potentially in breach of the code of conduct;
 - (ii) For conduct or an action that is continuous, the date that the council member's action or conduct ceases;
 - (iii) For conduct or a series of actions that is repeated, the date that the council member's last act or conduct in the series occurs.
- (4) 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.
- (5) When a complaint is received by the investigator, the investigator shall notify the CAO of the fact that a complaint has been received.
- (6) The investigator will determine if there is validity to the complaint. If there is no validity, then the complaint can be dismissed.
- (7) If the investigator finds that the complaint is valid, the investigator shall 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.
- (8) The investigator will begin their investigation and notify Council through a confidential email or in-camera of the fact that a complaint is proceeding to the investigation phase.
- (9) 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.
- (10) 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.
 - (i) 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



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- already in progress at the time of nomination day will continue;
- (ii) 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;
 - (iii) Council is able to discuss the investigators report in camera; and
 - (iv) The member who had the complaint lodged against them will have the opportunity to review and respond to the information in the investigator's report, and make submissions to Council, prior to the Council's vote.
- (11) 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:
- (i) In the case of a closed meeting, leave the room in which the meeting is held;
 - (ii) 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
 - (iii) Refrain from voting on any question relating to the matter
- (12) The section under the Code of Conduct the complaint was lodged and the investigators recommendations are made public.
- (13) The decision or penalty of Council on a Code of Conduct matter is final and binding on all parties.

Sanctions

23. A Council 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;



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- (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 are relevant to the member's contravention (e.g. personal issues, health issues); and
- (7) The resources necessary to fulfill the member's responsibilities as a council member.

24. The sanctions that may be imposed include the following:

- (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 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.
- (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 6 months after the date that council imposes the sanction.
- (11) Impose an appropriate reduction in remuneration to the member for no




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longer than 6 months.

- (12) Make member repay any direct monetary loss realized by the municipality as a result of the member’s action in an amount determined by the investigator.
- (13) Make member repay any direct monetary gain they obtained from their actions in an amount determined by the investigator.

25. A council member who is determined by council to have contravened the code of conduct must complete additional code of conduct training.

Annotation for Official Policy Book	
Date of First Notice	November 12, 2024
Effective Date	November 19, 2024
<p>I certify that this Code of Conduct for Elected Officials AD-1000-10 Amendment was adopted by Council as indicated above.</p>  <p>Jeff Sunderland, CAO / Clerk November 19, 2024</p>	

RECORD OF ADOPTION/AMENDMENTS Code of Conduct for Elected Officials AD-1000-10	
Adoption	
Notice to Council	January 5, 2009
Approval	January 26, 2009
Description	To establish policy
First Amendment	
Notice to Council	February 16, 2009
Approval	February 23, 2009
Description	To remove “As a Public Servant” from Clause 5.1
Second Amendment	
Notice to Council	November 12, 2024
Approval	November 19, 2024
Description	To establish mandatory provincial code of conduct