

TOWN OF ANNAPOLIS ROYAL
POLICY

TITLE: Code of Conduct for Elected Officials of the Town of Annapolis Royal	
Policy No: 2024-13	Supersedes: 2008-08 November 17, 2008, 2002-03 October 21, 2002
Effective Date: December 19, 2024	Date Approved by Council Resolution: MOTION C#2024-12-18-04

1. Authority for Policy

Section 520(1), *Municipal Government Act*

2. Definitions

In this policy, the following definitions apply:

"*Act*" means the *Municipal Government Act*;

"*CAO*" means Chief Administrative Officer;

"*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 Town of Annapolis Royal;

"*Complaint*" means a complaint regarding an alleged breach of the Code;

"*Confidential information*" includes any information in the possession of the Town that the Town 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 Town and is generally considered to be of a confidential nature, including information about any of the following:

- (i) the security of the Town'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) draft documents and legal instruments, including reports, policies, by-laws and resolutions, that have not been deliberated in a meeting open to the public,
- (vii) law enforcement matters,
- (viii) litigation or potential litigation, including matters before administrative tribunals,
- (ix) advice that is solicitor-client privileged.

"*Council*" means the Council of the Town of Annapolis Royal;

"*Discrimination*" has the same meaning as in the Human Rights Act;

"*Elected official*" means any Council member, including the mayor;

"Family member" means in relation to a person, any of the following, and includes 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 the Town 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;

"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*;

"Town" means the Town of Annapolis Royal.

3. General purpose

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

4. Interaction with laws and policies

- (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 Town.
- (3) This code prevails in any conflict between the Code and any Town resolution, policy or by-law.

5. Guiding principles

The following are the guiding principles for Council members' conduct:

Collegiality: Council members must work together to further the best interests of the Town in an honest and honourable way.

Honesty: being truthful and open.

Integrity: Council members must act lawfully and adhere to strong ethical principles by prioritizing the Town's interests over individual interests.

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.

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 Town or tarnishes the Town's reputation.

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.

Transparency: Council members must be truthful and open about their decisions and actions and make every effort to accurately communicate information openly to the public.

6. General conduct

- (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 Town.
- (3) A Council member must adhere to the direction of the chairs of meetings with respect to rules of procedure.
- (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 meetings of the Town.
- (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.

7. Confidential information

- (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 Town 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 Town.
- (4) A Council member must not discuss any matters relating to an active investigation under the Code with anyone other than the Investigator or their own legal counsel, unless required by law.

8. Gifts and benefits

- (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 Town.
- (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.

9. Use of Town property, equipment and services

- (1) A Council member must not use, or request the use of, any Town 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 Town 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 Town.
- (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 purposes 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 Town property, including old or extra equipment.

10. Building, development, planning, or procurement proposals before Council

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.

11. Improper use of influence

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

12. Business relations

- (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 Town.
- (2) A Council member must not borrow money from any person who regularly does business with the Town, 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 Town.

13. Employment of persons closely connected to Council members

- (1) A Council member must not attempt to influence any Town 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.

14. Fairness

- (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.

15. Adherence to policies, procedures, by-laws and other laws

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

16. Respect for Council as a decision-making body

- (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.
- (2) A Council member must not encourage non-compliance with any legislation, regulation, by-law, resolution, policy or procedure.

17. Communicating on behalf of Council

- (1) A Council member, other than the Mayor, must not claim to speak on behalf of Council unless the Council member is authorized to do so.
- (2) The Mayor, 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.

18. Interaction of Council with staff and service providers

- (1) A Council member must respect the role of the CAO as head of the administrative branch of the Town's government and must not involve themselves directly in the administration of the affairs of the Town, including, without limitation, the administration of contracts.
- (2) A Council member must not direct, or attempt to direct, the CAO 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 Town 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 Town 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 Town employees except through the CAO.
- (6) Contractors, tenderers, consultants or other service providers to the Town 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.
- (7) A Council member must not require or request that a Town employee undertake personal chores or tasks for the member that are unrelated to Town business.
- (8) A Council member must not make public statements that are critical of specific or identifiable Town employees or service providers.

19. Respectful interactions

- (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 1 or more individuals or groups that creates a poisoned environment.

20. Appointment of Investigator by Town

- (1) The Town must hire an Investigator to receive and adjudicate complaints. This person must be knowledgeable in applying the principles of natural justice and procedural fairness.
- (2) The Investigator's contact information must be publicly accessible on the Town website.
- (3) The Town must ensure that no conflict of interest exists between the Investigator and the parties involved in a complaint.
- (4) The Investigator must protect confidentiality of parties involved in a complaint to the greatest extent possible.

21. Complaint and Investigation Process

- (1) A complaint must be made to an Investigator no later than six (6) months after the date that the complaint is discovered.
- (2) An Investigator must notify the Chief Administrative Officer whenever a complaint is received.

- (3) The Investigation shall be conducted in accordance with timelines and procedures provided in *Municipal Government Act* and *Regulations Respecting a Code of Conduct for Municipal Elected Officials*.
- (4) After receiving the Investigator's report and hearing submissions from any Council member who is the subject of the complaint, Council must determine if a breach occurred.

22. Sanctions

- (1) A Council must consider all of the following criteria before imposing a sanction on a Council member for contravention of *Code*:
 - (a) the nature of the contravention;
 - (b) the length or persistence of the contravention;
 - (c) whether the Council member's contravention was intentional;
 - (d) whether the Council member has taken steps to remedy the contravention;
 - (e) whether the Council member has previously contravened the *Code*;
 - (f) any external factors that are relevant to the Council member's contravention, including personal and health issues;
 - (g) the resources necessary to fulfilling the Council member's responsibilities as a Council member.
- (2) Sanctions to be imposed by Council are in accordance with Section 23(D) of the *Act* and may include one or more of the following:
 - (a) letter of formal reprimand or warning;
 - (b) requirement that the Council member provide a letter acknowledging their contravention and an apology no later than 15 days after the date that Council imposed the sanction;
 - (c) requirement that the Council member attend training appropriate to address action of conduct that contravened the *Code*;
 - (d) public censure;
 - (e) limit on Council member's access to certain local government facilities, equipment or property;
 - (f) suspension or removal of Council member as Deputy Mayor of Council or chair of any committee;
 - (g) suspension or removal of Council member, for a period of no longer than six (6) months, from some or all Town committees or boards;
 - (h) limit Council member's participation on behalf of the Town;
 - (i) limit Council member's travel or expense reimbursement on behalf of the Town;
 - (j) fine of up to \$1,000 per contravention of the *Code* that must be paid no later than six (6) months after date Council imposes the sanction;
 - (k) reduction in Council member's remuneration for a period no longer than six (6) months;
 - (l) requirement that the Council member repay any direct monetary loss realized by the Town as a result of the Council member's contravention in an amount determined by Investigator;
 - (m) requirement the Council member to repay any direct monetary gain they obtained as a result of their contravention in an amount determined by the Investigator.
- (3) A Council member who is determined by Council to have contravened the *Code* must complete additional Code of Conduct training.

23. Reprisals

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.

24. Compliance with Code

Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. Mayor/Councillors are required to sign a “Statement of Commitment to the Code” (Appendix A) within seven (7) days of taking the Mayor/Councillors oath pursuant to section 147 of the Municipal Elections Act, R.S.N.S 1989, c.300.

25. Repeal

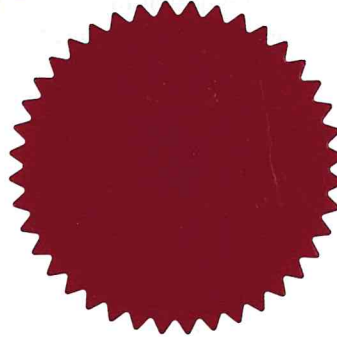
A policy known as the Code of Conduct for Elected Officials #2008-08 as adopted by Council on November 17, 2008 is hereby repealed.

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 18th day of December 2024.

GIVEN under the hand of the CAO and under the seal of The Town of Annapolis Royal the 19th day of December 2024.



Sandi Millett-Campbell
Chief Administrative Officer



APPENDIX A

STATEMENT OF COMMITMENT TO MAYOR/COUNCILLORS' CODE OF CONDUCT

I, _____ declare that as a Mayor/Councillor of the
Town of Annapolis Royal, I acknowledge and support the Councillors' Code of Conduct.

Signed: _____

Declared this _____ day of _____, 2024.

Before me:

Chief Administrative Officer

