



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.4.1**  
**Halifax Regional Council**  
**September 13, 2011**

**TO:** Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:**

Mayor Peter Kelly, Chair, Executive Standing Committee

**DATE:** August 23, 2011

**SUBJECT:** Implementation of Code of Conduct/Ethics

**ORIGIN**

The motion of Halifax Regional Council of May 26, 2009 adopting the HRM Code of Conduct for Municipal Elected Officials.

The motion of the Administrative Standing Committee of March 28, 2011 which directed staff to proceed with the final draft of the report to Regional Council in regard to implementation of the HRM Code of Conduct for Elected Officials.

The motion of the Executive Standing Committee at the August 15, 2011 meeting recommending that Regional Council adopt the procedural approach proposed in the supplementary staff report of June 17, 2011.

**RECOMMENDATION**

The Executive Standing Committee recommends that Halifax Regional Council:

1. Adopt the procedural approach to the administration of the Code of Conduct for Municipal Officials as outlined in the supplementary staff report dated June 17, 2011.
2. Set a date of September 30, 2011 as the timeframe for execution of the Statement of Commitment by current members of Halifax Regional Council.

## **BACKGROUND**

On August 15, 2011 the Executive Standing Committee considered a supplementary staff report dated June 17, 2011 and approved the recommendation contained within the report.

## **DISCUSSION**

The Code of Conduct was approved by Council on May 26, 2009 and the action required of Council is approval of a procedure to implement the Code. Note was made that the UNSM Code of Conduct, upon which the HRM Code is based, has been accepted by 34 of the 55 municipal units including HRM.

During discussion on this matter the issue of whether or not Elected Officials could be required to sign the Code of Conduct was considered. There are currently no sanctions in the HRM Charter or Municipal Government Act that could be brought to bear should a member choose not to sign the Code of Conduct. The procedures to be followed in regard to a complaint under the Code of Conduct would apply to the Mayor and all members of Council should Regional Council adopt the recommendations of the Executive Standing Committee.

## **BUDGET IMPLICATIONS**

As per the June 17, 2011 supplementary staff report, budget implications to the adoption of this report by Halifax Regional Council include:

Per Diem Costs of retaining a 3<sup>rd</sup> Party Integrity Commissioner on an “as required” basis and any annual costs associated with referral of complaints to an Integrity Commissioner.

The funding for engagement on an “as required” basis for an Integrity Commissioner has not been identified in the 2011-2012 Budget. Should there be a requirement for the services of a 3<sup>rd</sup> party integrity commissioner during the 2011-2012 fiscal year funds will be identified from within the approved CAO's, Legal Services and Human Resources operating budgets.

A funding proposal will be brought forward for inclusion in the 2012-2013 Budget for Council's consideration.

## **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

## **COMMUNITY ENGAGEMENT**

The Executive Standing Committees is comprised of nine (9) elected members of Regional Council. All regular meetings are open to the public and agendas, reports and minutes are available on the HRM web site.

**ALTERNATIVES**

- 1) Halifax Regional Council could amend the proposed procedures or signatory date outlined in this report.
- 2) Halifax Regional Council could provide further direction to staff in regard to implementation of the Elected Officials Code of Conduct.

**ATTACHMENTS**

1. June 17, 2011 Supplementary staff report

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Sherryl Murphy, Deputy Clerk, Office of the Municipal Clerk

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P.O. Box 1749  
Halifax, Nova Scotia  
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**Administrative Standing Committee**  
August 15, 2011

**TO:** Mayor Kelly and Members of the Administrative Standing Committee

**SUBMITTED BY:** Original Signed  
Cathy J. Mellett, Municipal Clerk

**DATE:** June 17, 2011

**SUBJECT:** Implementation -- Code of Conduct for Municipal Elected Officials

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### **SUPPLEMENTARY REPORT**

#### **ORIGIN**

The motion of Halifax Regional Council of May 26, 2009 adopting the HRM Code of Conduct for Municipal Elected Officials.

The motion of the Administrative Standing Committee of March 28, 2011

*That the Administrative Standing Committee (now Executive) directs staff to proceed with the final draft of the report to Regional Council in regard to the implementation of the Code of Conduct for Elected Officials that.*

- 1) Sets a time frame for execution of the Statement of Commitment by members of Regional Council*
- 2) Adopts a third-party Integrity Commissioner, as required, to deal with issues further to the policy*
- 3) That includes a process for bringing forward allegations of infractions by Elected Officials available to both members of Council and HRM staff, and*
- 4) That HRM reaffirm support for the Union of Nova Scotia Municipalities to bring forward amendments to the implementation sanctions for Elected officials in the MGA and Halifax Charter.*

#### **RECOMMENDATION**

It is recommended that the Executive Standing Committee;

- 1) Recommend to Regional Council the adoption of the procedural approach to the administration of the Code of Conduct for Municipal Officials, as outlined in this report, and
- 2) Propose to Halifax Regional Council a date of September 30, 2011, as the time frame for execution of the Statement of Commitment by current members of Regional Council.

## **BACKGROUND**

In March 2009 Regional Council requested that staff report regarding the adoption of the UNSM Code of Ethics for Elected Officials.

By motion of Regional Council May 26, 2009 Council adopted the HRM Code of Conduct for Elected Municipal Officials, which was modified slightly from the UNSM code. Council further supported UNSM's initiative to seek amendments to the *Municipal Government Act/HRM Charter* to allow for sanctions for violations of the Code of Conduct and inclusion of the enabling provisions in the HRM Code of Conduct once adopted by the Province.

## **DISCUSSION**

### ***Status of Sanctions***

With respect to the status of MGA/Charter amendments to allow for sanctions for violations of the Code of Conduct, the Union of Nova Scotia Municipalities (UNSM) continues to pursue the required legislative changes to the *Municipal Government Act*. Following research on best practices the amendments being proposed by UNSM are similar to those already adopted by the Province for School Boards under the *Nova Scotia Education Act*. Amendments proposed by UNSM would enable Councils to sanction and impose corrective actions commensurate with the nature and severity of a breach of the Code.

Any changes would not come into effect until such time as the Province of Nova Scotia makes the required amendments to the *Municipal Government Act* and *HRM Charter*. As provided for in the original motion of May 26, 2009 provisions related to sanctions will be brought back to Regional Council for approval.

### ***Implementation***

The HRM Code of Conduct for Municipal Elected Officials was adopted by Regional Council on May 26, 2009. The details of the implementation of the Code were not specifically addressed in the report and a number of questions were raised by members of Council at that time. This report is intended to moving forward the implementation of Council's motion of May 26, 2009.

### ***Signing of the HRM Code of Conduct for Elected Municipal Officials***

The Code of Conduct adopted by Halifax Regional Council May 26, 2009 (section VIII) states that the HRM Code of Conduct for Elected Officials is to apply to all members of Council and that the statement of Commitment is required to be signed by members of Council within 7 days of taking the Councillor's Oath pursuant to section 147 of the *Municipal Elections Act* R.S.N.S 1989, c 300.

The HRM Code of Conduct for Elected Officials was adopted subsequent to the 2008 Municipal Election. A time frame was not placed on the signing requirement for this initial implementation. In keeping with the intent of the motion of May 26, 2009, it is recommended that Regional Council assign a date of September 30, 2011 by which time members of Regional Council are expected to be signatories to the HRM Code of Conduct for Elected Officials. As directed by Council the Municipal Clerk's and Councillors' Support office will assist Councillors in the execution of the statement of Commitment (Code).

### ***Regulation of the Code by Council***

The HRM Code of Conduct for Elected Officials (Section III.) states that the Code is to be regulated by Regional Council. The original report to Regional Council in May 29, 2011 did not provide direction on what regulation would look like. A proposed process for dealing with matters under the HRM Code of Conduct was brought to the Administrative Standing Committee on March 28, 2010. Following discussion direction was provided by the Standing Committee for staff to bring forward a process that;

a) Outlines how allegations of infractions under the Code by Elected Officials would be addressed, and

b) Adopts the use of a third-party Integrity Commissioner to deal with issues further to the policy

In discussion with HRM Legal Services a proposed process is outlined as Attachment 1 of this report.

### **BUDGET IMPLICATIONS**

Budget implications to the adoption of this report by Halifax Regional Council include:  
Per Diem Costs of retaining a 3<sup>rd</sup> Party Integrity Commissioner on an "as required" basis and any annual costs associated with referral of complaints to an Integrity Commissioner.  
Per Diem rates for this service are expected to be in the order of \$800-\$1,200/ per day plus any applicable expenses. The annual cost to HRM would be dependent on the number and severity of complaints brought forward for investigation.

The funding for engagement on an "as required" basis for an Integrity Commissioner have not been identified in the 2011-2012 Budget. Should there be a requirement for the services of a 3rd party integrity commissioner during the 2011-2012 fiscal years funds will be identified from within the approved CAO's, Legal Services and Human Resources operating budgets.

A funding proposal will be brought forward for inclusion in the 2012-2013 Budget for Council's consideration.

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

**COMMUNITY ENGAGEMENT**

Not applicable

**ALTERNATIVES**

- 1) The Executive Standing Committee could amend the proposed procedures or signatory date outlined in this report
- 2) The Executive Standing Committee could provide further direction to staff in regard to implementation of the Elected Officials Code of Conduct.

**ATTACHMENTS**

- 1) Proposed Process for bringing forward, examining and resolving complaints under the HRM Code of Conduct for Municipal Officials
- 2) Original Staff report dated May 22, 2009 with attached HRM Code of Conduct for Municipal Elected Officials, as adopted by Halifax Regional Council May 26, 2009

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

\_\_\_\_\_  
Cathy J. Mellett, Municipal Clerk, ph: 490-6456 email: [melletc@halifax.ca](mailto:melletc@halifax.ca)

Report Approved by:

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Mary Ellen Donovan, QC Director, Legal Services & Risk Management ph: 490-4226

Financial Approval by:

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Bruce Fisher A/ Director of Finance, Ph. 490-6308

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## HRM Complaint Process under the HRM Code of Conduct for Municipal Elected Official

1. The Code of Conduct for Elected Officials shall be regulated by Regional Council
2. Every Elected Members of Regional Council must sign the "Statement of Commitment" to the *Code of Conduct for Elected Officials* indicating they are cognizant of their responsibilities under the Code.
3. The resolution of alleged infractions of the Code will depend on the severity of the allegations.
4. Members of Council are to endeavor to resolve disputes and/or issues amongst themselves first.
5. As part of the informal dispute resolution process Members of Council may, in confidence through the Manager of the Councillors' Support Office, request the assistance of an independent 3<sup>rd</sup> party.
6. If disputes or issues cannot be resolved at the informal level any Member of Council may submit, in writing, a "Notice of Complaint" in confidence outlining the issue and expected resolution to the Mayor, as the Chair of Council's Executive Standing Committee
7. If the complaint involves the Mayor a "Notice of Complaint" may be made through another member of Council's Executive Standing Committee.
8. The Executive Standing Committee shall review a "Notice of Complaint" in a timely manner.
9. Options for resolution may include the confidential assistance of an outside 3<sup>rd</sup> party or other options as proposed by the Mayor and/or Executive Standing Committee.
10. If a member of Council will not participate in the proposed resolution process, or if the proposed approach does not result in resolution, or if the resolution proposed may result in formal sanctions, or if the complaint is of such a nature as to be considered a serious breach of the Code of Conduct, the Executive Standing Committee may request an *In Camera* meeting [in accordance with Section 19. (2) of the HRM Charter] to discuss the dispute or possible breach and may request commencement of a formal investigation process through use of a 3<sup>rd</sup> Party Integrity Commissioner.
11. Any report of the Integrity Commissioner shall be directed to Council's Executive Standing Committee and shall include findings, recommendations and actions to be taken. Once reviewed by the Executive Standing Committee the recommendations shall be forwarded to Regional Council.



12. Under no circumstances will an allegation of breach of the Code of Conduct be discussed or disclosed during a public Committee or Council meeting, nor the circumstances surrounding the allegation be disclosed publically until a report has been filed by the Integrity Commissioner and reviewed by the Executive Standing Committee of Council.
13. Formal sanctions, once allowed for under the HRM Charter, shall only be imposed by resolution of Council at a meeting of Regional Council.
14. If a member of staff has a complaint regarding a possible infraction of the Code by a Member of Council he/she may bring forward the complaint through office of the Chief Administrative Officer to the Executive Standing Committee of Council. The same options for addressing the complaint shall apply.
15. Nothing in the HRM Code of Conduct or the enforcement provisions of the Code removes the responsibilities of a Member of Council for actions more appropriately addressed under the Criminal Code of Canada, Nova Scotia Human Rights Code, Municipal Elections Act, Municipal Conflict of Interest Act, HRM Administrative Orders 40 and 41, or any other applicable Municipal, Provincial or Federal Acts, Legislation or Codes.



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1.5**

**Halifax Regional Council  
May 26, 2009**

**TO:** Members of Halifax Regional Council

**SUBMITTED BY:** Original signed  
Dan English, Chief Administrative Officer

Original Signed  
Geri Kaiser, Deputy CAO, Corporate Services and Strategy

**DATE:** May 22, 2009

**SUBJECT:** Code of Conduct for Municipal Elected Officials

**ORIGIN**

At its March 24, 2009 meeting Halifax Regional Council approved the following motion:

*MOVED by Councillor Mosher, seconded by Councillor Smith that a report be provided on the adoption of the new UNSM Code of Ethics for elected officials.*

Councillor Karsten further requested that the report look into the best practices that are used in other municipalities; and coordinate Administrative Order 40 (Illegal and Irregular Conduct Policy) with the report. In addition, the report should look at the opportunity to have sanctions or repercussions for noncompliance to the code of ethics.

**RECOMMENDATION**

It is recommended that:

1. Halifax Regional Council adopt the HRM Code of Conduct for Elected Municipal Officials, which has been modified from the Union of Nova Scotia Municipalities Code of Conduct framework, with the exception of articles VIII and IX and upon approval, the Clerk's Office assist the individual Councillors in the execution of the statement of commitment.
2. That a letter be sent to the Province in support of the Union of Nova Scotia Municipalities resolution to seek changes to the Municipal Government Act/HRM Charter to allow for sanctions for violations of the Code of Conduct.
3. That Articles VIII and IX of the UNSM Code of Conduct related to sanctions be brought back to Council for approval following adoption of the required enabling provisions by the Province of Nova Scotia.

## **BACKGROUND**

The Union of Nova Scotia Municipalities (UNSM) is a non profit organization mandated to represent the Provincial interests of municipal government across Nova Scotia. The membership is composed of elected officials representing 55 municipalities including Halifax Regional Council as an active and contributing member.

At the November 26, 2006 UNSM Board meeting Councillor Linda Mosher tabled a motion directing that UNSM conduct research on developing a Code of Conduct for Municipal Elected officials. This motion was put and passed on that date. The issue was researched and a model was developed and presented to the UNSM Board of Directors.

In May of 2008, a draft Code of Conduct was presented to the membership at UNSM's Spring Workshop resulting in general acceptance. The final Code of Conduct was approved by the UNSM Board in October 2008 and circulated to all municipal units requesting that Councils consider adopting the Code verbatim or amended to meet the needs of individual municipalities.

On February 10, 2009, the President of UNSM, Warden Lloyd Hines, attended an informal session with HRM elected officials where he provided those in attendance with the background and context for the UNSM Code of Conduct. During the same session, Catherine Mullally, Director of Human Resources, presented an overview of the HRM Values and Ethics Handbook which was developed to provide direction to staff on their conduct in relation to all work related decisions, actions and behaviours.

## **DISCUSSION**

Generally, the public expects the highest standard of professional conduct from elected officials. The establishment of guidelines for ethical and interpersonal behaviour may enhance the credibility and integrity of Council in the community.

As an employer, the Halifax Regional Municipality requires the ability to attract and retain a skilled, responsive and dedicated workforce to enable the delivery of high quality programs and services. Council, as the governing body of the organization, can enhance HRM's ability to become a preferred employer by contributing to a positive work environment through the establishment of and commitment to a standard of behaviour which applies to all

As the largest municipality in Atlantic Canada, HRM also has the opportunity to demonstrate excellence in governance through leading by example and reaffirming the importance of ethical and interpersonal conduct in the public service. To date 40 of the 55 municipalities in Nova Scotia have adopted the UNSM Code of Conduct for Municipal Officials.

In consideration of the motion, the UNSM Code of Conduct includes sanction/censure provisions which are not enabled by the HRM Charter or the Municipal Government Act and legislation would be required to support the UNSM Code of Conduct as drafted. In a similar situation, the Province of Nova Scotia Education Act was recently amended to provide for a means of supporting a Code of Conduct for school board members.



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**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

1. Halifax Regional Council could defer the adoption of the UNSM Code of Conduct until the enabling legislation addressing sanctions is in place.
2. Halifax Regional Council adopts another alternative.
3. Halifax Regional Council could reject the adoption of a Code of Conduct for elected officials.

**ATTACHMENTS**

1. HRM Code of Conduct for Elected Municipal Officials
2. UNSM Code of Conduct for Elected Municipal Officials
3. Summary Document prepared by staff on best practices and sanctions for violations re: Municipal Codes of Conduct for Elected Officials in Canada

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208

**Original Signed**

Report Prepared & Approved by: Catherine Mullally, Director, Human Resources, 490-7239

**HALIFAX REGIONAL MUNICIPALITY  
CODE OF CONDUCT  
FOR  
ELECTED MUNICIPAL OFFICIALS**

**I. 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"). Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Halifax Regional Municipality.

**II. STANDARDS OF CONDUCT**

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:
  - (i) **Integrity** - giving the municipality's interests absolute priority over private individual interests;
  - (ii) **Honesty** - being truthful and open;
  - (iii) **Objectivity** - making decisions based on a careful and fair analysis of the facts;
  - (iv) **Accountability** - being accountable to each other and the public for decisions taken;
  - (v) **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.

**III. COUNCIL RESPONSIBILITIES**

The Council (or its designated committee) will:

- (a) review the **Halifax Regional Municipality's** Code of Conduct for Elected Officials 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) 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.

#### **IV. 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're 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 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 municipality. 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 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.

##### GIFTS AND BENEFITS

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.

#### 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

#### COMMUNITY REPRESENTATION

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

### **V. 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 municipality to function as a good corporate citizen.

### **VI. 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.

### **VII. CONFLICT OF INTEREST AVOIDANCE**

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



## VIII COMPLIANCE WITH CODE

Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. 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.

## IX OVERALL RESPONSIBILITIES

The Halifax Regional Municipality Code of Conduct for elected Municipal Officials applies to all members of Council. In addition to the standards noted above, members are also required to observe the relevant provisions of the following policies:

- Illegal and Irregular Conduct Policy (Administrative Order 40)
- Ethical Conduct Policy (Administrative Order 41)

ATTACHMENT A

*STATEMENT OF COMMITMENT TO THE ELECTED OFFICIALS CODE OF  
CONDUCT OF THE HALIFAX REGIONAL MUNICIPALITY*

I, (Full Name) \_\_\_\_\_ declare that as a member of *Halifax*

*HALIFAX REGIONAL COUNCIL* acknowledge and support the elected official's Code of

Conduct.

Signed: \_\_\_\_\_

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Before me:

\_\_\_\_\_  
*Municipal Clerk*

## **CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS**

### **I. 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 [named municipality].

### **II. STANDARDS OF CONDUCT**

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:
  - (i) **Integrity** – giving the municipality's interests absolute priority over private individual interests;
  - (ii) **Honesty** – being truthful and open;
  - (iii) **Objectivity** – making decisions based on a careful and fair analysis of the facts;
  - (iv) **Accountability** – being accountable to each other and the public for decisions taken;
  - (v) **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.

### **III. COUNCIL RESPONSIBILITIES**

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.

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.

#### **IV. 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're 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 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 or 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.

##### **CONDUCT AT MEETINGS**

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.

##### **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 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.

#### GIFTS AND BENEFITS

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.

#### 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.

#### COMMUNITY REPRESENTATION

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

### **V. 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 municipality to function as a good corporate citizen.

## **VI. 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.

## **VII. CONFLICT OF INTEREST AVOIDANCE**

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.

## **VIII. 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.

## **IX. 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.

## **X. COMPLIANCE WITH CODE**

Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. 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.

ATTACHMENT A

STATEMENT OF COMMITMENT TO COUNCILLORS' CODE OF CONDUCT

I, (Full Name) \_\_\_\_\_ declare that as a Councillor of the  
\_\_\_\_\_  
I acknowledge and support  
the Councillors' Code of Conduct.

Signed: \_\_\_\_\_

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Before me:

\_\_\_\_\_  
Chief Administrative Officer/Clerk-Treasurer

### Attachment 3

#### Municipal Codes of Conduct for Elected Officials containing Enforcement Provisions

The Codes of Conflict noted below operate along with and as supplements to existing statutes that govern the behaviour of elected officials (eg. various Municipal Acts and Charters, Conflict of Interest legislation, the Criminal Code of Canada, Freedom of Information and Protection of Privacy Act, etc.).

City/Municipality and Name	Summary/Highlights of Enforcement Provisions
<p>City of Toronto, ON</p> <p><i>Code of Conduct for Members of Council</i></p>	<ol style="list-style-type: none"> <li>1. Complaint protocol is through the City's Integrity Commissioner</li> <li>2. Commissioner can advise on recommended actions for any contravention of the Code of Conduct pursuant to the <i>City of Toronto Act, 2006</i>. Options include: <ul style="list-style-type: none"> <li>- A reprimand</li> <li>- Suspension of remuneration for up to 90 days</li> </ul> </li> </ol> <p>Integrity Commissioner may also recommend that Council or a local board may take the following actions (regarding a member of a board or committee):</p> <ul style="list-style-type: none"> <li>- removal from membership of a Committee or local board</li> <li>- removal of chair of a Committee or local board</li> <li>- repayment or reimbursement of moneys received</li> <li>- return of property or reimbursement of its value</li> <li>- request for an apology to Council, the complainant, or both</li> </ul>
<p>City of London, ON</p> <p><i>Code of Conduct for Elected Officials of Municipal Council</i></p>	<ul style="list-style-type: none"> <li>- If an employee complains of harassment or discrimination by a member of Council, the Councillor may participate in the Informal Resolution and/or Mediation process under the Workplace Harassment/Discrimination Prevention Policy and Complaint Procedure for employees</li> <li>- Depending on the nature of the allegation, complaints may be made by any person through the London Police Department (via s. 122 or 123 of the <i>Criminal Code of Canada</i>) against a member of Council</li> <li>- Any person may advise the Councillor verbally or in writing of the activity they believe contravenes the by-law, or they may encourage the Councillor to stop the prohibited activity, or they refer their complaint to the Ontario Human Rights Commission where the alleged misconduct involves a violation of the Human Rights Code</li> <li>- In circumstances where liability is denied and the misconduct is serious in nature, Council may pass a resolution pursuant to s.274(1) of the <i>Municipal Act</i> requesting a judicial investigation</li> </ul>



City/Municipality and Name	Summary/Highlights of Enforcement Provisions
<p>City of Vaughan, ON</p> <p><i>Policy Code of Ethics and Conduct for Members of Council</i></p>	<ul style="list-style-type: none"> <li>• The policy document noted that it is currently under review</li> <li>• Complaint Protocol is through the City's Integrity Commissioner</li> <li>• Commissioner can advise on recommended actions for any contravention of the Code of Conduct pursuant to the <i>Municipal Act, 2001</i> (Ch. 25 Ss.223.3 to 223.8)</li> <li>• Individuals are encourage to pursue an informal complaint procedure first with the option of having the Integrity Commissioner act as a mediator/conciliator</li> <li>• A formal complaint procedure may be followed which is initiated by a Complaints Form/Affidavit</li> <li>• Complaint form is filed with the City Clerk and forwarded to the Integrity Commissioner for action</li> <li>• The Integrity Commissioner reports to Council outlining findings of any investigation, the terms of any settlement, or recommended corrective action.</li> <li>• Pursuant to the <i>Municipal Act</i>, the municipality may impose the following penalties on a member of council who has contravened the code of conduct: <ul style="list-style-type: none"> <li>- A reprimand</li> <li>- Suspension of remuneration for up to 90 days</li> </ul> </li> <li>• All reports from the Integrity Commissioner to Council will be made available to the public</li> </ul>
<p>City of Vancouver</p> <p><i>Corporate Policy - Code of Conduct</i></p>	<ul style="list-style-type: none"> <li>• Not exclusive to elected officials: corporate policy is applicable to Council, Staff, and advisory body members</li> <li>• Policy states that Mayor receives alleged breaches of policy by Councillors, makes necessary enquiries, and recommends appropriate disciplinary action to Council</li> <li>• By a resolution of Council, options include: <ul style="list-style-type: none"> <li>- Censure of the individual for misbehaviour</li> <li>- Apologies to those adversely affected by the breach</li> <li>- Counselling for the individual</li> <li>- In the case of advisory body members, termination of appointment</li> </ul> </li> </ul>
<p>Village of Hill Spring, AB</p> <p><i>Code of Conduct for Elected Officials of Municipal Council of the Village of Hill Spring</i></p>	<ul style="list-style-type: none"> <li>• Self-regulated by Council</li> <li>• Council must sign copy of the policy as indication of their support and contractual agreement to abide by it</li> <li>• The Mayor deals with allegations at his/her discretion and reports back to complainant in writing on actions taken</li> <li>• If allegations are against the Mayor, then the Deputy Mayor will receive them and act accordingly</li> <li>• If the member of council who made the allegation is not</li> </ul>

City/Municipality and Name	Summary/Highlights of Enforcement Provisions
	<p>satisfied with the actions taken, s/he may request an <i>in camera</i> meeting of Council for discussion</p> <ul style="list-style-type: none"> <li>• Provides that under no circumstances will an allegation of misconduct be discussed or disclosed during a public council meeting, nor the circumstances surrounding the allegation to be disclosed publicly</li> <li>• Depending on the nature of the complaint, directions are also provided for submitting complaints via the RCMP under Ss. 122 and 123 of the <i>Criminal Code of Canada</i>, the Alberta Human Rights and Citizenship Commission, or through Workplace Harassment/Discrimination Prevention Policy and Complaint Procedure</li> <li>• Any person may also advise the Councillor verbally or in writing of the activity they believe contravenes the by-law, or they may encourage the Councillor to stop the prohibited activity</li> </ul>
<p>City of Whitehorse, YK <i>Code of Conduct for Councillors</i></p>	<ul style="list-style-type: none"> <li>• Self-regulated by Council</li> <li>• Councillors sign a "Statement of Commitment to the Councillors' Code of Conduct"</li> <li>• Councillors shall be cognizant of their responsibilities under the Code</li> <li>• Councillors are to endeavour to resolve disputes among themselves first. Failing that, any Councillor may submit a "Notice of Complaint" form to the Mayor in confidence to request a resolution to the dispute</li> <li>• If one complainant will not participate in the resolution process, Council may request an <i>in camera</i> meeting (in accordance with s. 213(3)(b)(iii) of the <i>Municipal Act</i>) to discuss the dispute and may request that the City Manager commence formal Mediation/Conciliation</li> <li>• Participation in mediation/conciliation is compulsory</li> <li>• The mediator/conciliator prepares a report to the City Manager which includes recommendations and actions to be taken.</li> </ul>