



## TOWN OF KENTVILLE POLICY STATEMENT G16 CODE OF CONDUCT FOR ELECTED OFFICIALS

---

### 1.0 PURPOSE

1.1 The purpose of this policy is to establish guidelines for the ethical and inter-personal conduct of Members of Council. The Council is answerable to the community through democratic processes and this code will assist in providing for the good governance of the Town of Kentville.

### 2.0 DEFINITIONS

2.1 **Member:** Council Members are elected officials of the Town of Kentville. Members may also refer to any member of the public who is assigned to a Town of Kentville committee. Members are agents of the public whose primary objective is to address the needs of the citizens.

2.2 **Harassment:** Harassment is any behaviour, act, conduct or comment, whether sexual in nature or not, whether occurring on a one-time or recurring basis, by a person to whom this policy applies, directed at and offensive to another person, and that the person knew or ought reasonably to have known:

- 2.2.1 would be unwelcome and cause offence or harm;
- 2.2.2 would demean, belittle, intimidate, threaten, distress, humiliate or embarrass;
- 2.2.3 would affect a person's reputation;
- 2.2.4 would endanger a person's job, undermine job performance, threaten economic livelihood or interfere with one's career;
- 2.2.5 would be discrimination on account of one or more factors listed in the *Human Rights Act*;
- 2.2.6 would be bullying as defined under the *Education Act*; or
- 2.2.7 would be cyberbullying as defined under the *Cyber-safety Act* or under another Act.

2.3 Communication: Social Media, Verbal, Electronic, Paper and/or Telephone

### 3.0 SCOPE

3.1 The public expects the highest standards of professional conduct from members elected to local government. This policy applies to all elected officials of the Town of Kentville and Town of Kentville appointed Citizen Committee Members. This policy does not apply to debate and council proceedings.

### 4.0 PROCEDURES

4.1 Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the bylaws of

---

the town as well as the 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. Council members will endeavor to make educated decisions, by gathering information from other council members, and when applicable, from individuals or groups.

- 4.2 All Members recognize the responsibility of the Mayor to accurately communicate the decisions of Council, even if they disagree with such decisions, such that respect for the decision-making process of Council is fostered.
- 4.3 Members are committed to making decisions impartially and in the best interests of the town and recognize the importance of fully observing the requirement 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. Council members will be cognizant of issues involving a Conflict of Interest (either direct or indirect), and will declare such Conflicts of Interest when they occur.
- 4.4 Council members seeking information from staff, will do so through the office of the Chief Administrative Officer (CAO).
- 4.5 In regards to Council conduct members shall:
- 4.5.1 uphold the law and the code of conduct at all times. 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;
  - 4.5.2 seek to advance the common good of the Town as a whole while conscientiously representing the communities they serve;
  - 4.5.3 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. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations;
  - 4.5.4 perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
    - integrity – giving the town’s interests absolute priority over private individual interests;
    - honesty – being truthful and open;
    - objectivity – making decisions based on careful and fair analysis of the facts;
    - accountability – being accountable to each other and the public for decisions taken; and
    - leadership – confronting challenges and providing direction on the issues of the day.

4.5.5 uphold this Code as a means of promoting the standards of behavior expected of Members and enhancing the credibility and integrity of Council in the broader community.

4.6 Council members are responsible for the following duties:

4.6.1 to represent the public and to consider the well-being and interests of the municipality;

4.6.2 to develop and evaluate the policies and programs of the municipality;

4.6.3 to determine which services the municipality provides;

4.6.4 to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

4.6.5 to ensure the accountability and transparency of the governance and operations of the municipality, including the activities of the senior management of the municipality;

4.6.6 to maintain the financial integrity of the municipality;

4.6.7 to carry out the duties of council under this or any other act;

4.6.8 to review the Town's Code of Conduct as required and make any amendments considered appropriate. 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. Thereafter, members shall review the Code semi-annually (May and November) and recommit to the code;

4.6.9 to review, consider or take other action concerning any violation of the Code of Conduct which is referred to Council for consideration;

4.6.10 to observe a high standard of professionalism when representing the Town and in their dealings with members of the broader community;

4.6.11 to practice good governance and ensure that decisions are taken in the best interests of all stakeholders and to enable the Town to function as a good corporate citizen. Schedule A Decision Making by Council is provided as an Aide-Memoire;

4.6.12 to recognize the importance of working constructively with other levels of government and organizations in Nova Scotia and beyond to achieve the goals of the Town;

- 4.6.13 to not make personal comments about other Council members. It is acceptable to publicly disagree about an issue but it is unacceptable to make derogatory comments about other Council members, their opinions and actions;
  - 4.6.14 to attend all scheduled Town Council meetings and assigned Committee meetings;
  - 4.6.15 to fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
  - 4.6.16 to prepare in advance of meetings and be familiar with issues on the agenda;
  - 4.6.17 to represent the Town at ceremonial functions at the request of the Mayor;
  - 4.6.18 to be respectful of other people's time;
  - 4.6.19 to stay focused and act efficiently during public meetings;
  - 4.6.20 to serve as a model of leadership and civility to the community;
  - 4.6.21 to inspire public confidence;
  - 4.6.22 to demonstrate honesty and integrity in every action and statement;
  - 4.6.23 to participate in scheduled activities: and
  - 4.6.24 to provide contact information with the Town Clerk/CAO in case of an emergency or an urgent situation arises while the Council member is out of town.
- 4.7 Conduct at meetings, members shall:
- 4.7.1 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. Council members will abide by the majority decisions of council;
  - 4.7.2 practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Council members should conduct themselves in a professional manner in all times, including dress;
  - 4.7.3 will share any record in their possession that may be of value to other members in the performance of their duties, as deemed appropriate.

- 4.7.4 avoid personal comments that could offend other Council members. If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other Council member to justify or apologize for the language used;
- 4.7.5 not overtly or implicitly promise Council action, or to promise Town Staff will do something (i.e. fix a pothole, remove a library book, plant new flowers, etc). Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet & talk with constituents in the community;
- 4.7.6 not grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens; and
- 4.7.7 not 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. Council members will not disclose information which has been shared in confidentiality. (i.e. closed sessions).

#### 4.8 Communications

- 4.8.1 Town letterhead may be used when the Council member is representing the Town and the Town’s official position. A copy of official correspondence must be given to the Town Clerk/CAO to be filed as part of the permanent public record.
- 4.8.2 Members should be aware that private conversations can have a public presence. Members are always on display. Your actions, mannerisms, and language are monitored by citizens. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meeting noted.
- 4.8.3 Members should be aware of the insecurity of written notes, voicemail messages, and email. Technology allows words written or said without much forethought to be distributed wide and far. What would happen if this email message was forwarded to others? Written notes, voicemail messages and email should be treated as potentially “public” communication.
- 4.8.4 Social media may include but not limited to Facebook, Twitter, Google+, MSN, and others and are a great tool and avenue to communicate and interact with citizens. While in meetings of council, at no time should a Member be communicating via these means. Outside of such, a member should be clear about whether their comments represent the official Town position or a personal viewpoint as well as remain respectful toward other

members, staff and citizens. Words should be chosen carefully and cautiously as comments can be taken out of context and cause problems.

#### 4.9 Expenses

4.9.1 Members shall adhere to and comply with the provisions of the Council Expense Policy, the Hospitality Policy, and any other relevant policies.

4.9.2 Members are responsible and accountable for all expenses reported and reimbursed.

4.9.3 All expenses shall be reported. Only necessary, actual and reasonable travel expenses incurred by a member for the purpose of conducting Town of Kentville business as reported and approved in accordance with the provisions of the policy will be reported and reimbursed.

#### 4.10 Gifts and Benefits

4.10.1 Members shall not show favoritism or bias toward any vendor, contractor or others doing business within the town. Members are prohibited from accepting gifts or favors from any vendor, contractor or others doing business with the Town 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.

4.10.2 Members shall not make or accept political contributions in the conduct of their duties.

4.10.3 For these purposes, a fee or advance, gift or benefit provided with the Member's knowledge to a Member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law and brother-in-law or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

4.10.4 No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below:

4.10.4.1 Compensation or benefit authorized by Council;

4.10.4.2 Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

4.10.4.3 Services provided without compensation by persons volunteering their time;

4.10.4.4 A suitable memento of a function honouring the Member;

4.10.4.5 Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country;

4.10.4.6 Food and beverages consumed at banquets, receptions or similar events, if attendance serves a legitimate business purpose. The person extending the invitation or a representative of the

- organization is in attendance. The value is reasonable and the invitations infrequent; and
- 4.10.4.7 Communication to the offices of a Member, including unpaid subscriptions to newspapers and periodicals.
- 4.10.5 Except in the case of category 4.10.4.1 or 4.10.4.5, a Member may not accept a single gift or benefit worth in excess of \$250 or gifts and benefits from one source during a calendar year worth in excess of \$500.
- 4.10.6 If the value of the single gift or benefit exceeds \$250 or if the total value received from any one source during the course of a calendar year exceeds \$500, the Member shall file a Disclosure Statement with the CAO. The disclosure statement must indicate:
  - 4.10.6.1 The nature of the gift or benefit;
  - 4.10.6.2 Its source and date of receipt;
  - 4.10.6.3 The circumstances under which it was given or received;
  - 4.10.6.4 Its estimated value;
  - 4.10.6.5 What the recipient intends to do with any gift; and
  - 4.10.6.6 Whether any gift, will at any point, be left with the Town.
- 4.10.7 A disclosure statement must be filed even if the gift or benefit is immediately returned. All disclosure statements will be a matter of public record.
- 4.10.8 On receiving a disclosure statement, the CAO shall examine it to ascertain whether the receipt of the gift or benefit might, in the CAO's opinion, create a conflict between a private interest and the public duty of the Member. In the event that the CAO makes the preliminary determination that the receipt of the gift may create a conflict, they shall call upon the Member of Council to justify the receipt of the gift or benefit. Should the CAO determine that receipt was inappropriate, they may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, "request" or forfeit the gift or remit the value of any gift or benefit already consumed to the Town.
- 4.10.9 A list of gifts received shall be disclosed annually.
- 4.11 Use of Public Property
  - 4.11.1 Members shall not request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public.
  - 4.11.2 Members shall ensure that the business of the Town is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of Town resources.
- 4.12 Council Committees
  - 4.12.1 Members of the public appointed to Council Committees are appointed at the pleasure of Council. They do not hold office nor do they represent a constituency within the community nor do they represent Council or the Council Committee unless mandated to do so.

- 4.12.2 Members of the public appointed to Council Committees must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.
- 4.12.3 Council Committees operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
- 4.12.4 No Council Committee member may act beyond the mandate of the Council Committee granted by Council. They must not undertake site visits, direct discussions with residents, communication on social media, informal meetings or communications including emails except:
- As granted the right to do so by Council;
  - Pursuant to the duties of a Member of Council; or
  - Otherwise if required by law.
- 4.12.5 Council Committee Members acknowledge the importance of the principles contained in this Code which is regulated by Council. Council Committee Members are required to sign a “Statement of Commitment to the Code” annually while a member of a council committee.
- 4.13 Code Infractions and Discreditable Conduct
- 4.13.1 Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council.
- 4.13.2 The Mayor should point out to the offending Council member, infractions of the Code of Conduct. If the offences continue, then the matter should be discussed in private with the offending councillor by the Mayor. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Deputy Mayor.
- 4.13.3 It is the responsibility of the Mayor to initiate action if a Council member’s behaviour may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.
- 4.13.4 All Members have a duty to treat the public, one another and employees appropriately and without abuse, bullying or intimidation. All Members shall ensure that the work environment is free from discrimination and of personal and sexual harassment. The NS Human Rights Act applies, as do Town policies in this regard.
- 4.13.5 Members shall abide by the provisions of the Human Rights Act, and, in doing so, shall treat every person, including other Members, employees, and individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.



- 4.13.6 In accordance with the Human Rights Act, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, religion, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability. Even if a person does not clearly object to harassing behaviour, or if they appear to go along with it, it could still be considered harassment.
- 4.13.7 Harassment which occurs in the course of, or is related to, the performance of Official Duties by Members is subject to this Code. If an employee or a member of the public brings forward a harassment complaint against a Member, the complaints will be addressed in accordance with sections below.
- 4.14 Reporting Breaches
- 4.14.1 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 Town employee, who, acting in good faith, brings forward such information.
- 4.15 Corrective Action
- 4.15.1 Any reported violation of the Code will be subject to investigation by the Mayor and 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. If violation of the Code of Conduct is outside of the observed behaviours by the Mayor or Council members, the alleged violation should be referred to the Mayor or CAO. The Mayor should ask the CAO and/or the Town solicitor to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration.
- 4.16 Compliance with the Code of Conduct
- 4.16.1 Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.
- 4.16.2 Members of Council who, without leave of the council, are absent from three consecutive regular meetings of the council shall thereby vacate the office, and the office shall be declared vacant by the council, whether or not the councillor has vacated the office. (Election act 18(6))

4.16.3 In addition to any other consequence imposed by law, Members found to have breached this Code may be subject to discipline, including:

- Return of a gift or benefit;
- Removal from a committee;
- Loss of Committee Chair privileges;
- Request for written or public apology;
- Reprimand; or,
- Where applicable, suspension from travel, for a period of up to ninety (90) days.

## 5.0 ASSOCIATED DOCUMENTS

- 5.1 Schedule A: Decision Making
- 5.2 Schedule B: Statement of Commitment
- 5.3 Municipal Government Act
- 5.4 Municipal Conflict of Interest Act, R.S.N.S. 1989, c. 299
- 5.5 Municipal Elections Act, R.S.N.S 1989, c. 300 Section 147

## 6.0 POLICY REVISION HISTORY

Date Created: December 14, 2005  
Revision: July 30, 2012  
June 23, 2014  
January 2017 (Reformatted)  
February 27, 2017  
April 24, 2017  
October 30, 2017



---

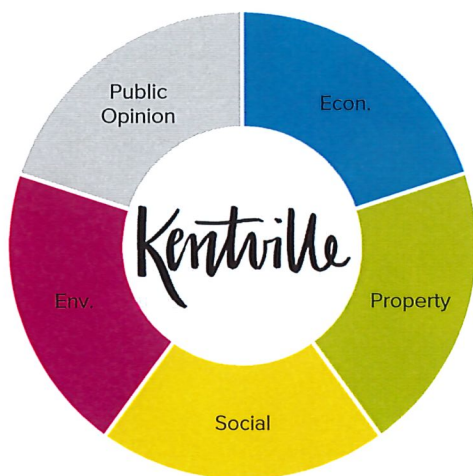
Chief Administrative Officer, Mark Phillips

## Schedule A: Decision Making by Council

Councillors assess every issue presented in council through the lenses of property, environment, economics, social, and public opinion before making a decision or recommendation for action. Council has the responsibility to research all lenses in order to make a balanced and respectful decision. Information on an issue can become heavily weighted around a single lens, leaving out other factors that will influence the community as a whole. Council strives to make recommendations that are balanced and unbiased, without emotion, which reflect all lenses, to protect the best interests of the Town of Kentville and the people it serves.

- **Property:** “something at the disposal of a person, a group of persons, or the community or public”.  
Examples: single use, shared use, noise, beautification, traffic, zoning, regulations
- **Environment:** “the air, water, minerals, organisms, and all other external factors surrounding and affecting a given organism at any time”. Examples include regulatory requirements and land use.
- **Economic:** “pertaining to the production, distribution, and use of income, wealth, and commodities”.  
Examples: cost savings or expense with decision, property taxation, spending in community, tourism, assessments, market impacts
- **Social:** “of or relating to human society”. Examples: Acceptance, limited available or benefit, values
- **Public Opinion:** “the collective opinion of many people on some issue, problem, etc., especially as a guide to action, decision, or the like”. Examples: feedback, communication, media, other municipal units
- **Other:** In some cases, other lenses may be required to fully understand an issue. Examples: chance of success, innovation.

### GOAL: BALANCED DECISION MAKING

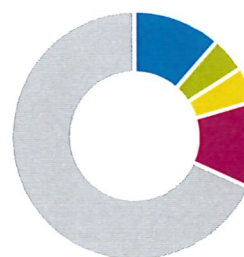
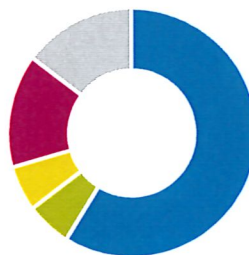


KEEP EMOTIONS OUT OF DECISION MAKING



ADHERE TO THE CODE OF ETHICS

### UNBALANCED:



### SKewed:



**Schedule B: STATEMENT OF COMMITMENT TO  
TOWN OF KENTVILLE CODE OF CONDUCT**

I, xxx, Councillor have been entrusted to make decisions impartially and in the best interests of the Town of Kentville and to uphold the law. I declare that as a member of the Town of Kentville council, I commit to adhering to the Code of Conduct and to faithfully fulfill all of the responsibilities of my office.

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

Declared this \_\_\_\_ day of \_\_\_\_\_

Before me: \_\_\_\_\_

Mark Phillips

Chief Administrative Officer