



NOVA SCOTIA FEDERATION
OF MUNICIPALITIES

UPDATE ON THE MUNICIPAL CODE OF CONDUCT

NSFM Annual Spring Conference

May 4, 2023

Better government. Stronger communities.



PRESENTATION OVERVIEW

- Municipal Code of Conduct in Nova Scotia
- Code of Conduct Working Group
- Explanation of Phases of Work
 - (i.e.: Standards, Sanctions, and Investigation Model)
- Questions and Discussion



MUNICIPAL CODE OF CONDUCT

- Codes of Conduct are Important Tools
- Since 2008, NSFM has provided a model Code of Conduct
- Review of MGA (2016-2018) led to calls for a Code “with teeth!”



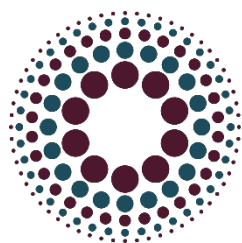
CODE OF CONDUCT WORKING GROUP

- In 2021, Province amended the Municipal Government Act
- Regulations in need of development before it is proclaimed
- Working Group formed to develop regulations and recommend any legislative adjustments



PHASES OF WORK

- Phase 1 – Development of Standards
- Phase 2 – Development of Sanctions (teeth)
- Phase 3 – Development of Investigation Model



DEVELOPMENT OF STANDARDS

- General Conduct
- Confidential Information
- Gifts and Benefits
- Use of Municipal Property, Equipment, and Services
- Planning and Procurement
- Improper Use of Influence
- Business Relations
- Employment of Persons Closely Connected to Members of Council
- Fairness and Equal Treatment
- Adherence to Policies, Procedures, By-laws, and Other Laws
- Respect for Council as a Decision-Making Body
- Communication on Behalf of Council
- Interactions with Staff and Service Providers
- Respectful Interactions
- Reprisal



GOALS UNDERLYING STANDARDS

- Responsive to concerns among members
- Avoid penalizing regular ethical activities
- Avoid suppressing free speech
- Mitigate the possibility of weaponization



CONSULTATION ON STANDARDS

- Department of Municipal Affairs distributed a survey in August
 - **97% in favour of single Code for municipalities**
 - **93% in favour of Code applying at all times**



DEVELOPMENT OF SANCTIONS

- Letter of formal reprimand or warning from council
- Acknowledgment of fault and apology from the transgressor
- Required training (training needs to be specific to the issue at hand, which can be difficult. So, this may only be an option in certain cases)
- Public censure of the transgressor and statement by council
- Limiting their access to certain municipal facilities
- Suspension from council *committees or boards* for a period of six months
- Removal from appointed positions representing the municipality
- Limiting or eliminating expense reimbursement for travel and attendance at events
- Imposing a fine of \$1,000 to be paid within a certain amount of time
- Imposing an appropriate reduction in compensation
- Making the transgressor responsible for monetary loss to the municipality
- Make the transgressor responsible for returning any monetary gain



CONSULTATION ON STANDARDS

- Sanctions do not include removal from office.
- High level of support for proposed sanctions.
- Also include considerations of
 - the severity of the misconduct
 - any an effort to remedy the situation
 - if this is a repeat offence
 - whether they knowingly contravene the code.



DEVELOPMENT OF INVESTIGATION MODEL

- Investigation model has implication for financing model
- Three models under discussion:
 1. New centralized office, cost-shared by municipalities/villages
 - 2. Municipalities pay for investigations of their council members**
 3. Existing firm becomes the centralized body



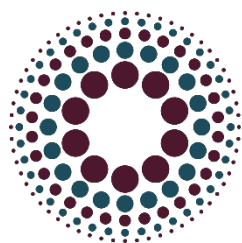
PROCESS OF INVESTIGATION

- An complaint is submitted against an elected municipal official
- Initial intake review conducted to address vexatious complaints
- Investigation takes place if a possible transgression is identified by initial intake
- Municipalities notified that an investigation is taking place
- Report and Recommendations submitted to council following investigation
- Council can decide on sanctions in camera and then release portions of the report publicly



GOING FORWARD

- DMAH currently conducting a legal review
- Process will require review after a few years
- Training is key to compliance and accountability
- Focus continues to be on how a Code of Conduct can make municipal government a more welcoming place for all.





QUESTIONS AND DISCUSSION

