

# **Municipal and Village Code of Conduct Consultation Material**

## Introduction

The Code of Conduct Working Group (COCWG), established jointly between the Nova Scotia Federation of Municipalities (NSFM), the Association of Municipal Administrators of Nova Scotia (AMANS), and the Department of Municipal Affairs and Housing, will be seeking individual feedback from elected officials and senior departmental staff on the recommendations for:

- sanctions that can be imposed if a breach of the code of conduct occurs; and
- options related to the investigator model process

The purpose of this document is to provide elected officials and senior level administrators with the COCWG information in advance of consultation. The intent of providing this information in advance is to allow individuals to come prepared with thoughtful questions regarding the sanctions and investigator options to improve the quality of feedback received during consultation.

Please note, a previous consultation has already taken place on the content to include in a municipal and village code of conduct. A “What We Heard” report was released and distributed in November 2022 that presented the findings for the content to include in a municipal code of conduct.

## Consultation Schedule

<b>Date</b>	<b>Time</b>	<b>Suggested Region</b>	<b>Type</b>
Thursday February 2, 2023	Morning	Cape Breton	Virtual
Thursday February 9, 2023	Afternoon	Eastern Strait / Pictou	Virtual
Monday February 13, 2023	Morning	Cumberland, Colchester, Hants Counties	Virtual
Tuesday February 14, 2023	Morning	Valley to Digby	Virtual
Wednesday February 15, 2023	Afternoon	South Shore Region	Virtual
Thursday February 16, 2023	Morning	Villages/ANSV*	Virtual

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Type</b>
Monday February 20, 2023	Afternoon	Cape Breton	In-Person
Tuesday February 21, 2023	Morning	Truro Region	In-Person
Wednesday February 22, 2023	Afternoon	Kings Region	In-Person
Thursday February 23, 2023	Morning	Lunenburg Region	In-Person

[Register for your preferred consultation session\(s\)](#)

**If there are any questions related to the consultation schedule, or if you are unable to attend any of the sessions, please email [dmah-consultation@novascotia.ca](mailto:dmah-consultation@novascotia.ca).**

## Sanctions

The COCWG recommends 14 sanctions that can be imposed if a breach of the code occurs. The sanctions are:

1. Member will receive a letter of formal reprimand or warning
2. Member will issue a letter to include an acknowledgement of the breach of the code and an apology within 15 days
3. Require the member to attend mandatory training as directed by council
4. Limiting the member's access to certain local government facilities, equipment and/or property
5. Censure the member publicly
6. Suspending or removing the member as the deputy head of council and/or the chair of a committee, if applicable
7. Suspending or removing the member for longer than 6 months from some or all committees
8. Suspending or removing the member from some or all boards
9. Impose a limit on the member's participation on behalf of the municipality
10. Impose a limit on the member's travel and/or expense reimbursement on behalf of the municipality
11. Impose a fine on the member of up to \$1,000 per occurrence, which is to be paid no longer than 6 months from the decision of council and to be collected as a tax in default\*
12. Impose an appropriate reduction in compensation to the member for no longer than 6 months based on the circumstances of the outcomes\*
13. Make individual liable for direct monetary loss realized by the municipality as a result of the member's action in any amounts determined by the investigator\*
14. Make individual liable to repay any direct monetary gain they obtained from their actions in any amounts determined by the investigator\*

\* Will require a legislative change to the *Municipal Government Act*.

The COCWG recommends that more than one sanction can be imposed at any given time.

When imposing a sanction on a member, the COCWG recommends the following considerations need to be taken into account:

1. The nature of the code contravention
2. The length or persistence of the code contravention
3. If the member knowingly contravened the code of conduct
4. If the member took steps to mitigate or remedy the code of conduct contravention
5. If the member previously contravened the code of conduct
6. The resources the member will need to complete their job
7. Any mitigating or aggravating factors that exist that contributed to the member's contravention

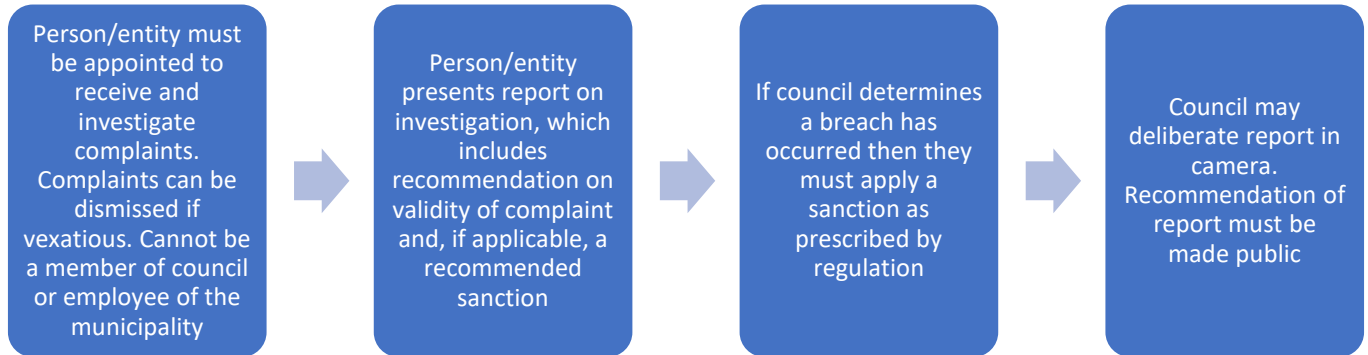
The COCWG also recommends that a statement be included to indicate that members who fail to comply with the findings and/or direction of council, following an investigation, is a breach of the code itself.

**For consultation:** we will be seeking feedback on the 14 recommended sanctions that can be imposed on a member, as well as the considerations that need to be taken into account before imposing a sanction.

# Independent Investigator Process

## Current Legislative Framework

It is important to understand the current legal framework in which the code of conduct is operating within. The below flow chart outlines the current legislative framework as laid out by [Bill 10](#) and [Bill 50](#).



The COCWG recognizes there are some limitations with the current framework.

**For consultation:** we will be seeking feedback on which aspects of the investigators report should be made public.

## Options for Investigator Model

The COCWG debated and developed three investigator model options to be considered. The below chart outlines the three different options, along with the funding details and some additional pieces for consideration.

Overview of option	Further details	Funding details	Pieces for consideration
COCWG Recommended Option: Appoint a centralized body to conduct investigations through a Chair	The centralized body would have its own independent office, staff support and be funded by municipalities and villages. This model offers	Estimated to cost upwards of \$600,000 annually.  Developed a formula with a base amount to be paid based on population,	Some questions still remain around: <ol style="list-style-type: none"> <li>1. Who will appoint the chair?</li> <li>2. Who does the office report to?</li> </ol>

	<p>consistency and predictability when it comes to investigations and financial impact. Office could be responsible for developing training</p>	<p>along with a weighted formula that incorporates the units proportion of elected officials and population.</p> <p><b>See Appendix A for more details.</b></p>	
<p>Municipalities pay for their own investigator</p>	<p>Municipalities and villages would appoint their own investigator to handle intake and investigation of complaints</p>	<p>Municipalities and villages would be responsible for the entire cost. This could be upwards of \$10,000 per complaint.</p>	<p>Not all municipalities and villages would be able to financially manage even one (1) complaint.</p> <p>Consideration would need to be given to who the municipality or village could appoint in order to avoid a conflict of interest.</p>
<p>A legal firm becomes the centralized body to investigate complaints</p>	<p>Similar to option one, but an RFP would need to be issued to hire a firm to become the centralized body.</p>	<p>Funding details would be the responsibility of the legal firm to develop. This may result in unfixed costs for municipal units.</p>	<p>An RFP would need to be developed.</p>

**For consultation:** we will be seeking feedback on the preferred COCWG investigator option, along with the concept of the proposed funding model for it.

**Appendix A:** Funding details for the centralized body

- It is estimated the total office cost annually would be approximately \$584,940
- The working group proposes utilizing a base amount to fund approximately half of the cost based on a band of population, and the remaining to be funded based on a proportion of number of elected officials and population

Base Amounts\*:

Minimum Population	Maximum Population	Number of municipalities/villages	Amount	Total generated
0	999	15	\$1,000	\$15,000
1,000	4,999	25	\$3,000	\$75,000
5,000	14,999	18	\$5,000	\$90,000
15,000	89,999	9	\$7,000	\$63,000
90,000	+	2	\$9,000	\$18,000

\* it is recommended by the working group that once enough data has been collected from units in a 2 or 3 year review, the base amounts are adjusted similar to insurance premiums to support municipalities with good behaviour, and penalize municipalities with poor behaviour.

Non-Base Amounts:

- Uses 20% of elected officials proportion and 80% of population proportion
- Village populations are removed from the rural municipalities in which they are located to prevent double counting
- Population numbers are utilized from StatsCan
- The below table outlines each municipality’s approximate cost for the investigator model. Please note, these numbers are subject to change based on finalization of population numbers.



	# Elected Officials	Final Population	Base Amount	Non-base amounts	Total
Cape Breton Regional Municipality	13	93,694	9,000	27,161.88	36,161.88
Halifax Regional Municipality	17	439,819	9,000	121,473.31	130,473.31
West Hants Regional Municipality	12	19,509	7,000	6,928.56	13,928.56
Municipality of the County of Annapolis	11	18,198	7,000	6,436.45	13,436.45
Municipality of the County of Antigonish	10	15,101	7,000	5,460.51	12,460.51
Municipality of the County of Colchester	12	30,277	7,000	9,845.56	16,845.56
Municipality of the County of Cumberland	9	18,750	7,000	6,312.03	13,312.03
Municipality of the County of Inverness	6	13,239	5,000	4,408.21	9,408.21
Municipality of the County of Kings	10	30,077	7,000	9,517.43	16,517.43
Municipality of the County of Pictou	12	20,676	7,000	7,244.70	14,244.70
Municipality of the County of Richmond	5	5,875	5,000	2,276.37	7,276.37
Municipality of the County of Victoria	8	5,932	5,000	2,702.73	7,702.73
Municipality of the District of Argyle	9	7,870	5,000	3,364.70	8,364.70
Municipality of the District of Barrington	5	6,523	5,000	2,451.91	7,451.91
Municipality of the District of Chester	7	9,322	5,000	3,484.09	8,484.09
Municipality of the District of Clare	8	7,678	5,000	3,175.71	8,175.71
Municipality of the District of Digby	5	6,532	5,000	2,454.35	7,454.35
Municipality of the District of East Hants	11	22,892	7,000	7,708.03	14,708.03
Municipality of the District of Guysborough	8	4,585	3,000	2,337.83	5,337.83
Municipality of the District of Lunenburg	11	24,749	7,000	8,211.08	15,211.08
Municipality of the District of Shelburne	7	4,336	3,000	2,133.41	5,133.41
Municipality of the District of St. Mary's	7	2,161	3,000	1,544.21	4,544.21
Municipality of the District of Yarmouth	7	10,067	5,000	3,685.91	8,685.91
Region of Queens Municipality	8	10,422	5,000	3,919.05	8,919.05
Town of Amherst	7	9,404	5,000	3,506.30	8,506.30
Town of Annapolis Royal	5	530	1,000	828.44	1,828.44
Town of Antigonish	7	4,656	3,000	2,220.09	5,220.09
Town of Berwick	7	2,455	3,000	1,623.85	4,623.85
Town of Bridgewater	7	8,790	5,000	3,339.97	8,339.97
Town of Clark's Harbour	7	725	1,000	1,155.21	2,155.21
Town of Digby	5	2,001	3,000	1,226.92	4,226.92
Town of Kentville	7	6,630	5,000	2,754.84	7,754.84
Town of Lockeport	5	476	1,000	813.81	1,813.81
Town of Lunenburg	7	2,396	3,000	1,607.87	4,607.87
Town of Mahone Bay	7	1,064	3,000	1,247.04	4,247.04
Town of Middleton	7	1,873	3,000	1,466.19	4,466.19
Town of Mulgrave	5	627	1,000	854.71	1,854.71
Town of New Glasgow	7	9,471	5,000	3,524.45	8,524.45
Town of Oxford	7	1,170	3,000	1,275.75	4,275.75
Town of Pictou	5	3,107	3,000	1,526.53	4,526.53
Town of Port Hawkesbury	5	3,210	3,000	1,554.44	4,554.44
Town of Shelburne	5	1,644	3,000	1,130.21	4,130.21
Town of Stellarton	5	4,007	3,000	1,770.34	4,770.34
Town of Stewiacke	7	1,557	3,000	1,380.59	4,380.59
Town of Trenton	5	2,407	3,000	1,336.91	4,336.91
Town of Truro	7	12,954	5,000	4,467.98	9,467.98
Town of Westville	5	3,540	3,000	1,643.83	4,643.83
Town of Wolfville	7	5,057	5,000	2,328.72	7,328.72
Town of Yarmouth	7	6,829	5,000	2,808.75	7,808.75
Village of Baddeck	5	818	1,000	906.45	1,906.45
Village of Bible Hill	5	5,076	5,000	2,059.93	7,059.93
Village of Chester	5	1,371	3,000	1,056.26	4,056.26
Village of New Minas	5	4,545	3,000	1,916.08	4,916.08
Village of Port Williams	5	1,792	3,000	1,170.31	4,170.31
Village of Pugwash	5	746	1,000	886.95	1,886.95
Village of Aylseford	5	1,208	3,000	1,012.10	4,012.10
Village of Canning	5	791	1,000	899.14	1,899.14
Village of Cornwallis Square	5	3,675	3,000	1,680.40	4,680.40
Village of Freeport	5	217	1,000	743.65	1,743.65
Village of Greenwood	5	2,364	3,000	1,325.26	4,325.26
Village of Hebbville	5	796	1,000	900.50	1,900.50
Village of Kingston	5	3,466	3,000	1,623.78	4,623.78
Village of Lawrencetown	5	636	1,000	857.15	1,857.15
Village of River Hebert	5	468	1,000	811.64	1,811.64
Village of St. Peters	5	2,634	3,000	1,398.40	4,398.40
Village of Tatamagouche	5	691	1,000	872.05	1,872.05
Village of Tiverton	5	300	1,000	766.13	1,766.13
Village of Westport	5	193	1,000	737.15	1,737.15