

TOWN OF LUNENBURG
COUNCIL MEETING AGENDA
Tuesday, November 19, 2024 | 6 pm
Lunenburg Town Hall – Council Chamber
120 Townsend Street



NOTICE: Council meetings are open to the public and held in Town Hall. **Please use the back entrance at 120 Townsend Street.**

The public can also watch meetings through Zoom. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/88956545878>

Meeting recordings are also available on the Town's [YouTube](#) channel.

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

This meeting takes place in the traditional and ancestral territory of the Mi'kmaq people. We are all Treaty people.

3. ADDITIONS/ DELETIONS TO AGENDA

4. APPROVAL OF AGENDA

4.1 November 19, 2024 Council Meeting Agenda

Recommendation: That Council approve the agenda for the November 19, 2024 meeting as presented.

5. APPROVAL OF MINUTES

5.1 November 12, 2024 Organizational Meeting Minutes

Recommendation: That Council approve the presented November 12, 2024 Organizational Meeting Minutes.

6. PRESENTATIONS

7. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair
- Comments and questions are open to any municipal matter

8. CORRESPONDENCE

Unless a recommendation has been provided, correspondence items are for information only. Should Council wish to act on something within a correspondence item, a motion of Council must be made.

8.1 Renaming of Cornwallis Street

- Pamela Brennan
- Deborah Skilliter

9. PUBLIC HEARINGS, PUBLIC INFORMATION MEETINGS AND APPEALS

10. BUSINESS ARISING AND UNFINISHED BUSINESS

11. NEW BUSINESS

11.1 Adoption of the Code of Conduct for Municipal Elected Officials

Recommendation: That Council adopt the Regulations Respecting a Code of Conduct for Municipal Elected Officials, as prescribed by the Nova Scotia Municipal Government Act.

11.2 Appointments to Partner & External Committees

Recommendation: That Council approve the appointment list for the Town of Lunenburg’s Partner Committees and External Committees for 2024/2025 as presented:

Partner Committees

| Committee | Appointed Councillors |
|--|--------------------------------|
| Trustees of Lunenburg Common Lands | 2 Councillors (TBD by Council) |
| Lunenburg County Seniors Safety Advisory Partnership | 1 Councillor (TBD by Council) |

External Committees

| Committee | Appointed Councillors |
|--|-------------------------------|
| Lunenburg Cultural Collective | 1 Councillor (TBD by Council) |
| Lunenburg Fishermen’s Memorial Society | 1 Councillor (TBD by Council) |
| Lunenburg Home for Special Care/Harbour View Haven Board | 1 Councillor (TBD by Council) |
| Lunenburg Waterfront Association | 1 Councillor (TBD by Council) |
| South Shore Housing Action Coalition Committee | 1 Councillor (TBD by Council) |

12. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS

13. ITEMS FOR CONSIDERATION AT COMMITTEE OF THE WHOLE

14. CLOSED SESSION

14.1 Acquisition, sale, lease and security of municipal property (*three items*)

14.2 Personnel matters

Recommendation: That Council move in closed session at _____ to discuss agenda items 14.1 and 14.2 per the Municipal Government Act.

15. ADJOURNMENT

TOWN OF LUNENBURG
COUNCIL ORGANIZATIONAL MEETING MINUTES

November 12, 2024 | 6 pm

Lunenburg Town Hall – Council Chamber and virtually through Zoom



| | |
|----------------------------------|---|
| Present | Mayor Jamie Myra, Councillors Renea Babineau, Rachel Bailey, Debbie Dauphinee, Gale Fullerton, Alex Greek and Alison Strachan |
| Also present | Hilary Grant, Interim CAO Tyson Joyce, Director of Public Works Marc Kiely, Interim Director of Community Development Trevor Hume, Planner Kayla Byrne, Municipal Clerk |
| Call to Order | The meeting was called to order at 6:00 p.m. |
| Land acknowledgment | It was acknowledged that Lunenburg is located in the unceded territory of the Mi'kmaq people. |
| Approval of Agenda | Moved by Councillor Strachan, seconded by Councillor Bailey, that Council approve the agenda for the November 12, 2024 Council Organizational meeting as presented. <p style="text-align: right;">Motion carried unanimously</p> |
| Approval of Minutes | The minutes from the October 8, 2024 Council meeting were approved as circulated. |
| Regular Council Meeting Schedule | Moved by Councillor Fullerton, seconded by Councillor Dauphinee, that Council approve the dates and times for the Town of Lunenburg Regular Council meetings for 2024/2025 as presented. <p style="text-align: right;">Motion carried unanimously</p> |
| Deputy Mayor Appointment | Moved by Councillor Strachan, seconded by Councillor Dauphinee, that Council appoint Councillor Bailey as Deputy Mayor until Council's next Organizational Meeting in 2025. <p style="text-align: right;">Motion carried unanimously</p> |
| Appointments to Committees | Moved by Councillor Babineau, seconded by Councillor Bailey, that Council approve the appointment list for the Town of Lunenburg's |

Internal Town Committees and Inter-Municipal Committees for 2024/2025 as presented:

- Audit Committee: All Councillors
- Committee of the Whole: All Councillors
- Heritage Advisory Committee: Councillors Babineau & Strachan
- Planning Advisory Committee: Councillors Bailey, Greek & Babineau
- Protective Services Committee: Mayor Myra, Councillors Greek, Dauphinee & Bailey
- Cultural Tourism Working Group: Councillors Strachan & Bailey
- Source Water Protection Advisory Committee: Councillors Fullerton & Strachan
- Lunenburg County Accessibility Advisory Committee: Councillor Fullerton; Councillor Dauphinee as alternate
- Region 6 Solid Waste Management Committee: Councillor Greek; Councillor Fullerton as alternate
- Lunenburg County Regional Emergency Management Organization (REMO) Advisory Committee: Mayor Myra and Councillor Bailey; Councillor Fullerton as alternate
- South Shore Regional Public Library Board: Councillor Strachan; Councillor Babineau as alternate

Motion carried unanimously

In Camera

Moved by Councillor Babineau, seconded by Councillor Bailey, that Council move in closed session at 6:13 p.m. to discuss agenda items 6.1 Legal Advice and 6.2 Personnel Matters per the Municipal Government Act.

Motion carried unanimously

Adjournment

Council reverted to open session at 7:57 p.m.

There being no further business, the November 12, 2024 Council Organizational meeting adjourned at 7:58 p.m.

The minutes were read and approved.

From: [Jamie Myra](#)
To: [Pamela Brennan](#); [Stephen Ernst](#); [Jenni Birtles](#); [Melissa Duggan](#); [ED Halverson](#); [Peter Mosher](#)
Cc: [Hilary Grant](#)
Subject: Re: Please reconsider
Date: October 14, 2024 8:56:56 PM

Good Evening Pamela,

Thank you for your correspondence and I have included Hilary Grant, our CAO, in this response.

She can add this to our council agenda in early November, once the new Council gets sworn in.

Respectfully,
Jamie Myra

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From: Pamela Brennan
Sent: Saturday, October 12, 2024 11:11 AM
To: Jamie Myra <jmyra@townoflunenburg.ca>; Stephen Ernst <sernst@townoflunenburg.ca>; Jenni Birtles <jbirtles@townoflunenburg.ca>; Melissa Duggan <mduggan@townoflunenburg.ca>; ED Halverson <ehalverson@townoflunenburg.ca>; Peter Mosher <pmosher@townoflunenburg.ca>; Susan Sanford <ssanford@townoflunenburg.ca>
Subject: Please reconsider

CAUTION: THIS IS AN EXTERNAL MAIL

Good morning esteemed Council,

Let me begin by thanking you for your service as civic leaders. Your commitment to helping others is no doubt earnest and authentic, and the job can be rather thankless at times which makes it all the more challenging. In our house, we respect your service.

Now I'll cut straight to the purpose for the missive: please consider revisiting deliberation on the street name change matter.

I'm writing as a citizen of NS, a multiple home owner (Queens County and in HRM), a married person, and as a completely average Josephine. I'm also a bureaucrat with insight into regulatory oversight and policy development, which means that I truly empathize with the task before you, and, understand the competing challenges between representing constituents and administering the kinds of longitudinal authorities assigned to you that are intended to make life better for The People over the long term.

I'm not a sociologist, or a rights advocate, I'm just a person with a few considerations to share and I hope you'll give this a little read over.

First, Canada is watching Lunenburg on this one, whether you realize this or not. You lead a UNESCO heritage site, and the key letters in that stand for United and Nations. That's global. You have an opportunity to do the right thing on a world stage, as administrators of a place in Canada that is held up a billboard for our beautiful and eclectic nation.

As policy-makers, I'm sure you're aware of the [United Nations Declaration on the Rights of](#)

[Indigenous Peoples](#) and its meaning and application in public administration. In short, its ratification means that political, financial and human rights groups around the world know that they have now been assigned a clear responsibility to align their work with a UN declaration on human rights. These groups, figures, and indeed other UN signatories are watching what other UN entities are doing, including UN heritage sites and the people who administer them. That puts pressure on you, as our elected leaders, to think globally, and act locally (I sure do love me a good cliché, but truly, this time it fits the bill don't you think?).

I know there's outcry in the town, and I'm familiar with the demographic and tax base and industry base in Lunenburg - and I agree that you've got a lot on your plates as a result. I can be a little NIMBY myself, so, I appreciate that you deal with all sorts of competing opinions and needs. Generally, everyone needs equality though, hey? Equality doesn't really fade from fashion, at least not for anyone who isn't guaranteed to experience it day in and day out without a second thought.

On another note, it's a little amusing that the plebiscite offered constituents an 89% chance to do the right thing, and the winning choice was the other 11% offer; they chose the one colonial name out of the eight others, each of which had actual meaning! That says more about the voting demographic in Lunenburg than anything else, and that also means you have an opportunity to make lasting change. That said, I'd sure like to compare the metrics for the plebiscite vote and compare those to the voter base numbers and average vote turn out for elections, because numbers tell us a lot and help us predict whether something should be put to a vote in the first place. Maybe a plebiscite on a topic that offers a voice to engrained racism wasn't the best call, but then again, a democratic system of governance in which everyone can be offered equal opportunity to exist and participate in community and have their voices heard and be recognized as equal and worthy of respect is important too, I guess.

It may seem like a little ole street name, but when a governing council stands up for what's right in the long run, The People learn. Sometimes we truly need our civic leaders to make these lasting, yet routine and low-level administrative decisions on our behalf, when we The People cannot extract ourselves from our own narrow view of the world around us. Please consider rescuing us from drowning in the inevitable whirlpool of our own resistance to change, which we can't recognize because we're too busy kicking and screaming about nothingness as we stand in a totally safe toe-deep mudpuddle.

This is a small change, but an important one. Our grandchildren will see words in a language other than their own on their street sign in their community and by the time they are our age it will be a normalized thing. Remember, the word "arrest" is actually a French word, but now it's an English word too, and no one bats an eye or questions that (well, except maybe someone who's actually getting arrested).

The decision before you is not about a four-year election cycle, or the flavour of the day, it is about right and wrong. This decision is an easy win but will be a lasting loss if entrenched racism wins the day. We don't need a Queen Street or a Merligueche Street, we simply need to not choose racism when we can easily avoid it.

I'm asking you to think beyond the immediate furore and to think about how history will regard you, as people and as civic leaders, in 10, 20, 30 years from now, and do the right thing for humanity.

I'll sign off below with a salutatory word in Mi'kmaq that I learned last year when Sipekne'katik (part of mainland NS) hosted the North American Indigenous Games.

Respectfully and in solidarity, Wela'lin.

Pam

Pamela Brennan

From: [Jamie Myra](#)
To: [Deborah Skilliter](#)
Cc: [Hilary Grant](#)
Subject: Re: Renaming Cornwallis Street
Date: October 14, 2024 8:53:50 PM

Good Evening Deborah,

Thank you for the correspondence and I have included Hilary Grant, our CAO, in this as she can include this in our first agenda package in November with the new council.

Respectfully,
Jamie Myra

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From: Deborah Skilliter
Sent: Saturday, October 12, 2024 2:40 PM **To:**
Jamie Myra <jmyra@townoflunenburg.ca>
Subject: Renaming Cornwallis Street

CAUTION: THIS IS AN EXTERNAL MAIL

Dear Mayor Myra,

I am a Nova Scotian, living in Dartmouth. My husband and I frequently travel to Lunenburg, and have been considering moving there because of the thriving arts scene.

I request that you kindly share this email with your councillors.

I am writing to you regarding the renaming of Cornwallis Street to Queen Street. I am extremely disappointed and I'm embarrassed for my Province that you have made this decision.

Your decision to replace one colonial name with another colonial name is deeply hurtful to Indigenous people not only in Nova Scotia, but across our country. We have so much access to information about what colonialism did to Indigenous peoples and cultures, yet many members of your Council seem not to have taken advantage of any of the freely available information.

The National Centre for Truth and Reconciliation has released a document that outlines 10 principles of reconciliation followed by 94 calls to actions. These serve as "guides to assist in repairing the damaged relationship between indigenous and non-indigenous people in Canada." It calls upon all levels of government to recognize past harms and to work towards both reconciliation and inclusivity.

I recognize that not all members of your council voted in favour of changing the street name to Queen Street. I commend those who bravely stood up to the others who, for whatever reason,

have chosen to staunchly remain ignorant and seemingly racist.

I ask that Lunenburg reconsider their decision. I believe there is still time to do the right thing.

Thank you for your consideration,
Deborah Skilliter

Subject: Adoption of the Code of Conduct for Municipal Elected Officials
From: Kayla Byrne, Municipal Clerk
Date: November 12, 2024



Recommendation

Recommendation: That Council adopt the Regulations Respecting a Code of Conduct for Municipal Elected Officials, as prescribed by the Nova Scotia Municipal Government Act.

Alternatives

- Adopt by Policy: Council may choose to adopt the Code of Conduct as an official Town policy.
- Adopt by Bylaw: Council may adopt the Code of Conduct by creating a bylaw.

Adopting the Code as a policy or bylaw can emphasize its importance by embedding it in TOL’s governance framework. However, since the content is fixed by the Province, adopting it through a simple resolution is the easiest and most practical option, meeting the requirement without unnecessary steps.

Background

The Province of Nova Scotia, through the Municipal Government Act, mandates that all municipalities adopt a standard *Code of Conduct for Elected Officials* by December 19, 2024. The Code, as outlined in section 4(1) of the Regulations and section 23A of the Act, establishes standards for ethical conduct, confidentiality, conflict of interest, and other key governance areas for elected officials. This ensures consistent standards across Nova Scotia municipalities.

The complete Code is attached to this report. Below is an overview of the primary content categories covered in the Code:

| Category | Description |
|--------------------------|---|
| General Conduct | Officials must act truthfully, avoid misleading others, maintain integrity, respect procedural rules, conduct duties transparently, and avoid impairment by substances. |
| Confidential Information | Officials must protect confidential information, not disclosing or using it for personal gain unless authorized. |

| | |
|--|--|
| Gifts and Benefits | Restrictions on accepting gifts or benefits related to official duties, with necessary transparency and disclosure. |
| Use of Municipal Property, Equipment, and Services | Municipal property and services should be used only for official duties, not personal benefit. |
| Planning, Development, and Procurement | Officials must avoid improperly influencing decisions on building approvals, planning, or procurement. |
| Improper Use of Influence | Officials should not use their position to influence decisions where they have a personal interest. |
| Business Relations | Decisions should not be influenced by the prospect of future employment, and officials should avoid financial transactions that could lead to conflicts of interest. |
| Employment and Hiring | Officials must not influence employment conditions for family members or close associates. |
| Fairness | All individuals and entities interacting with the municipality should be treated equally without favoritism. |
| Adherence to Policies and Laws | Compliance with all municipal policies, procedures, and laws is mandatory. |
| Respect for Decision-making Body | Officials must respect and adhere to council decisions, regardless of personal viewpoints. |
| Communicating on Council's Behalf | Only authorized officials may speak on behalf of the council. |
| Interaction with Staff and Service Providers | Officials must maintain professional boundaries with municipal staff and service providers and may not direct staff in their duties or day-to-day operations. |

The Department of Municipal Affairs and Housing will offer training on the new Code of Conduct, anticipated in early 2025.

Appointment of Investigator

Municipalities must appoint an investigator to manage complaints of potential Code breaches by elected officials. The investigator should have experience in investigations and demonstrate impartiality. Additionally, the municipality must confirm that the investigator has no conflicts of interest and must publish the investigator's contact information on the Town's website.

The appointment of an investigator will be brought forward for Council's consideration at a future meeting before December 19, 2024.

Complaint Process Overview

1. Submission: Complaints must be submitted to the investigator within six months of the

complainant discovering the alleged breach.

2. **Initial Review:** Upon receiving a complaint, the investigator will determine if it has merit. If deemed unmerited, the investigator dismisses it and notifies the Chief Administrative Officer (CAO). If the complaint has merit, the investigator proceeds to notify the council member involved and moves forward with the investigation.
3. **Confidentiality:** Throughout the investigation, the investigator must maintain confidentiality for all parties involved, balancing this with the principles of natural justice and procedural fairness.
4. **Investigation Report:** The investigator must present a report of findings to the council within six months of the complaint submission, although Council may extend this timeline in exceptional cases.
5. **Council Determination:** After reviewing the report and any submissions by the council member involved, Council will determine if a breach occurred and, if so, apply appropriate sanctions as outlined in the Code.

Anyone who becomes aware of a potential breach of the Code of Conduct for Municipal Elected Officials can submit a complaint. There are no specific restrictions on who may file, meaning residents, council members, or other parties can bring concerns forward. Complaints must be submitted within six months of discovering the issue to be investigated.

Consequences of Violating the Code of Conduct

Violating the Code of Conduct can result in significant consequences, including:

- A formal reprimand or public censure by Council.
- Temporary removal from committee roles or loss of deputy head or chair positions.
- Limitations on access to municipal facilities or resources.
- Reduced remuneration for a period or fines up to \$1,000 per violation.
- Requirements to attend additional training or to issue a formal apology.

In severe cases, additional actions may be taken if a Council member fails to comply with imposed sanctions. Council considers each situation carefully, including factors such as the nature and impact of the breach, when determining appropriate consequences.

Discussion

Adopting the model Code of Conduct prescribed by the Nova Scotia Department of Municipal Affairs and Housing establishes a standardized governance framework. The Code emphasizes principles like respect, integrity, transparency, and professionalism as guidance for elected officials. Provisions for complaint processes and sanctions help to address breaches and

maintain accountability.

Relevant Legislation

Municipal Government Act

Financial

There is no immediate impact on the Town's approved budget to adopt the Code of Conduct for Municipal Elected Officials. However, should an investigation arise, costs may affect the legal services budget.

Communications

In compliance with the *Code of Conduct for Municipal Elected Officials* Regulations, once appointed, the Town will post the investigator's contact information on its official website to inform the public on complaint submission procedures.

Attachments

- Regulations Respecting a Code of Conduct for Municipal Elected Officials made under Section 520 of Chapter 18 of the Acts of 1998, the Municipal Government Act.

N.S. Reg. 219/2024

FILED

Date: October 15, 2024

**Jane Newton
Registrar of Regulations
Province of Nova Scotia**

**In the matter of subsection 520(1) of Chapter 18 of the Acts of 1998,
the *Municipal Government Act***

-and-

**In the matter of regulations respecting a code of conduct
for elected officials of municipalities**

Order

I, John Lohr, Minister of Municipal Affairs and Housing for the Province of Nova Scotia, pursuant to subsection 520(1) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, hereby make regulations respecting a code of conduct for elected officials of municipalities in the form set forth in the attached Schedule "A".

This order is effective on and after October 20, 2024.

Dated and made October 15, 2024, at Halifax Regional Municipality, Province of Nova Scotia.



Honourable John Lohr
Minister of Municipal Affairs and Housing

Schedule "A"

Regulations Respecting a Code of Conduct for Municipal Elected Officials made under Section 520 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*

Interpretation

Citation

- 1** These regulations may be cited as the *Code of Conduct for Municipal Elected Officials Regulations*.

Definitions

- 2** In these regulations,

“Act” means the *Municipal Government Act*;

“complaint” means a complaint regarding an alleged breach of the code of conduct;

“elected official” means council member, mayor or warden;

“investigator” means a person or entity appointed by a municipality under subsection 23C(1) of the Act to receive and investigate complaints;

“model code of conduct” means the model code of conduct prescribed in Schedule “A”.

Code of Conduct

Application

- 3** (1) The code of conduct referred to in these regulations is a code of conduct established under Section 23A of the Act.
- (2) The code of conduct applies to elected officials at all times and in all locations.

Adoption of code of conduct and notice to Minister

- 4** (1) A municipality must adopt the model code of conduct on or before December 19,

2024.

- (2) A municipality must report to the Minister and provide a notice confirming adoption of the model code of conduct on or before December 19, 2024.

When code of conduct applies

- 5 (1) The code of conduct applies to each council member from the time that they are declared elected until the earliest of the following:
- (a) the date of their resignation;
 - (b) the date they are disqualified from office;
 - (c) the date their successor is sworn into office, or the date of the meeting at which a successor would have been sworn into office if there is no successor.
- (2) The code of conduct does not apply to action or conduct that occurred before the earlier of the following dates:
- (a) date that the code is adopted by a municipality;
 - (b) December 19, 2024.

Complaint and Investigation Process

Appointment of investigator by municipality

- 6 (1) An investigator must have experience conducting investigations and applying the principles of natural justice and procedural fairness.
- (2) A municipality must include an investigator's contact information on its publicly accessible website.
- (3) A municipality must ensure that no conflict of interest exists between the investigator and the parties involved in a complaint.

Timeline for complaints

- 7 (1) A complaint must be made to an investigator no later than 6 months after the date that the complaint is discovered.
- (2) For the purposes of this Section, a complaint is discovered on the following applicable date:
- (a) the date that the complainant first knew or ought reasonably to have known that the council member's conduct or action was potentially in

- breach of the code of conduct;
- (b) for conduct or an action that is continuous, the date that the council member's action or conduct ceases;
- (c) for conduct or a series of actions that is repeated, the date that the council member's last act or conduct in the series occurs.

Complaints during elections

- 8** (1) A complaint brought forward during a municipal election period, from nomination day until ordinary polling day, must not be investigated until the election is concluded.
- (2) An investigation in progress on an election's nomination day must continue, but may be paused between nomination day and election day.
- (3) An investigation in progress for a complaint made about the conduct of an elected official will not continue if the official is not re-elected.

Initial complaint process

- 9** (1) An investigator must notify the Chief Administrative Officer whenever a complaint is received.
- (2) An investigator must determine if there is merit to a complaint and then take 1 of the following actions:
- (a) notify the Chief Administrative Officer that it is dismissed in accordance with subsection 23C(3) of the Act;
 - (b) if the investigator finds that the complaint has merit, the investigator must
 - (ii) notify the council member who is the subject of the complaint that a complaint has been made about them, and that it is proceeding to an investigation, and
 - (iii) begin their investigation and notify council in camera of the fact that a complaint is proceeding to the investigation phase.

Confidentiality

- 10** An investigator must protect the confidentiality of all of the following to the greatest extent possible, while still applying the principles of natural justice and ensuring procedural fairness:
- (a) the complainant;

- (b) all persons who are the subject of the complaint;
- (c) all persons involved in the investigation,

Reporting on investigation

- 11** (1) Except as provided in subsection (2), the report on the investigation required by subsection 23C(2) of the Act to be presented to council must be presented no later than 6 months after a complaint is made.
- (2) Council may grant an investigator additional time to present a report in exceptional circumstances, including a delay caused by a municipal election period.
- (3) A council member who is the subject of a complaint must be given an opportunity to review and respond to the information in an investigator's report, and to make submissions to council before the council determines whether there was a breach of the code of conduct.

Investigator report on failing to comply with sanction

- 12** Despite Sections 9, 10 and 11, if a council member fails to comply with a sanction as required by the code of conduct, the investigator is not required to conduct an investigation but must present a report to council with a recommendation on an appropriate sanction.

Determinations

- 13** After receiving the investigator's report and hearing any submissions from any council member who is the subject of the complaint, council must determine if a breach occurred and any appropriate sanctions to impose in accordance with Sections 17 and 18.

Conflict of interest—council member present at meeting

- 14** If a council member who is the subject of a complaint or who has made a complaint under the code of conduct is present at a council meeting at which the complaint is discussed, the council member must
- (a) withdraw from their place as a council member and take 1 of the following applicable actions while the complaint is being considered:
 - (i) for a closed meeting, leave the room where the meeting is held,
 - (ii) for a meeting that is open to the public, either
 - (A) leave the room where the meeting is held, or
 - (B) attend only in part of the room set aside for the general public; and

- (b) not vote on any issue related to the complaint.

Public record

15 After council's determination of a complaint, the council must make a record that is open to the public outlining all of the following:

- (a) the section of the code of conduct under which the complaint was made;
- (b) the investigator's recommendations;
- (c) the council's determination and any sanction imposed

Council determination final

16 A council's determination regarding a complaint is final and binding on all parties.

Sanctions and Sanction Framework

Sanctions framework

17 A council must consider all of the following criteria before imposing a sanction on a council member for a contravention of the code of conduct:

- (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 any steps to remedy the contravention;
- (e) whether the council member has previously contravened the code of conduct;
- (f) any external factors that are relevant to the council member's contravention, including personal issues and health issues;
- (g) the resources necessary to fulfilling the council member's responsibilities as a council member.

Sanctions for contravention of code of conduct

18 (1) The sanctions to be imposed by Council under Section 23D of the Act may include 1 or more of the following prescribed sanctions:

- (a) a letter of formal reprimand or warning;

- (b) a requirement that the council member provide a letter acknowledging their contravention and an apology no later than 15 days after the date the council imposes the sanction;
 - (c) a requirement that the council member attend training that is appropriate to address the action or conduct that contravened the code of conduct;
 - (d) a public censure;
 - (e) limiting the council member's access to certain local government facilities, equipment or property;
 - (f) suspending or removing the council member as deputy head of council or the chair of any committee;
 - (g) suspending or removing the council member, for a period no longer than 6 months, from some or all municipal committees or boards;
 - (h) limiting the council member's participation on behalf of a municipality;
 - (i) limiting the council member's travel or expense reimbursement on behalf of a municipality;
 - (j) a fine of up to \$1000 per contravention of the code of conduct, that must be paid no later than 6 months after the date that council imposes the sanction;
 - (k) reducing the council member's remuneration, for a period no longer than 6 months;
 - (l) requiring the council member to repay any direct monetary loss realized by a municipality as a result of the council member's contravention, in an amount determined by the investigator;
 - (m) requiring the council member to repay any direct monetary gain they obtained as a result of their contravention, in an amount determined by the investigator.
- (2) A council member who is determined by council to have contravened the code of conduct must complete additional code of conduct training.

**Schedule “A”—Model Code of Conduct for Municipalities
prescribed by the Minister under subsection 520(1) of Chapter 18 of the Acts of 1998,
the *Municipal Government Act***

Title

1 The title of this code of conduct is the *Code of Conduct for Elected officials of the [insert name of municipality]*.

Definitions

2 In this Code, the following definitions apply:

“Act” means the *Municipal Government Act*;

“CAO” means chief administrative officer;

“clerk” means the clerk of the municipality;

“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 [insert name of municipality, as in title]*;

“complaint” means a complaint regarding an alleged breach of the Code;

“confidential information” includes any information in the possession of the municipality that the municipality 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 municipality and is generally considered to be of a confidential nature, including information about any of the following:

- (i) the security of the municipality’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, bylaws 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,
- (xi) advice that solicitor-client privileged;

“council” means the council of the municipality;

“discrimination” has the same meaning as in the *Human Rights Act*;

“elected official” means any council member, including the mayor or warden;

“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 a municipality 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;

“municipality” means the regional municipality, town or county or district municipality, except where the context otherwise requires;

“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*;

“warden” means the council member chosen by the council to be the chair of the council.

General purpose

- 3 (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 their municipality.
- (2) Nothing in this Code is intended to prevent elected officials from sharing or expressing dissenting opinions.

Interaction with laws and policies

- 4 (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 a municipality.
- (3) This Code prevails in any conflict between the Code and any municipal resolution, policy or bylaw.

Guiding principles

- 5 All of the following are the guiding principles for council members’ conduct:

Collegiality: council members must work together to further the best interests of the

municipality in an honest and honourable way.

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 municipality or tarnishes the municipality's reputation.

Integrity: council members must act lawfully and adhere to strong ethical principles by prioritizing the municipality'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.

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.

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.

General conduct

- 6**
- (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 municipality.
 - (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 meeting of the municipality.
 - (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.

Confidential information

- 7 (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 municipality 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 municipality.
- (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.

Gifts and benefits

- 8 (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 municipality.
- (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.

Use of municipal property, equipment and services

- 9 (1) A council member must not use, or request the use of, any municipal property, including surplus material or equipment, for personal convenience or profit, unless the property meets 1 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 municipal 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 municipality.
- (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 municipal property, including old or extra equipment.

Building, development, planning, or procurement proposals before council

- 10 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.

Improper use of influence

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

Business relations

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

Employment of persons closely connected to council members

- 13 (1) A council member must not attempt to influence any municipal 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.

Fairness

- 14 (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.

Adherence to policies, procedures, bylaws and other laws

- 15**
- (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 municipality.
 - (3) Council members must adhere to the expense and hospitality policy of the municipality.

Respect for council as a decision-making body

- 16**
- (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, bylaw, resolution, policy or procedure.

Communicating on behalf of council

- 17**
- (1) A council member, other than the mayor or warden, must not claim to speak on behalf of council unless the council member is authorized to do so.
 - (2) The mayor, warden 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.

Interactions of council with staff and service providers

- 18**
- (1) A council member must respect the role of the CAO as head of the administrative branch of the municipality's government and must not involve themselves directly in the administration of the affairs of the municipality, including, without limitation, the administration of contracts.
 - (2) A council member must not direct, or attempt to direct, the CAO or clerk 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 municipal 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 municipal 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 municipal employees except through the CAO.
- (6) Contractors, tenderers, consultants or other service providers to the municipality 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 municipal employee undertake personal chores or tasks for the member that are unrelated to municipal business.
- (8) A council member must not make public statements that are critical of specific or identifiable municipal employees or service providers.

Respectful interactions

- 19 (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.

Reprisals

- 20 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.

Subject: Appointments to Partner & External Committees
From: Kayla Byrne, Municipal Clerk
Date: November 19, 2024



Recommendation

That Council approve the appointment list for the Town of Lunenburg’s Partner Committees and External Committees for 2024/2025 as presented:

Partner Committees

| Committee | Appointed Councillors |
|--|--------------------------------|
| Trustees of Lunenburg Common Lands | 2 Councillors (TBD by Council) |
| Lunenburg County Seniors Safety Advisory Partnership | 1 Councillor (TBD by Council) |

External Committees

| Committee | Appointed Councillors |
|--|-------------------------------|
| Lunenburg Cultural Collective | 1 Councillor (TBD by Council) |
| Lunenburg Fishermen’s Memorial Society | 1 Councillor (TBD by Council) |
| Lunenburg Home for Special Care/Harbour View Haven Board | 1 Councillor (TBD by Council) |
| Lunenburg Waterfront Association | 1 Councillor (TBD by Council) |
| South Shore Housing Action Coalition Committee | 1 Councillor (TBD by Council) |

Alternatives

- Alter Council’s committee list by adding committees or removing committees not required by legislation.
- Refer this item to the Committee of the Whole for further discussion.
- Defer this item until a future meeting.

Background

Per Council’s [Committees Policy](#), Council members are appointed to various committees and boards, including the Town of Lunenburg’s advisory committees, inter-municipal committees formed through shared service agreements, committees with partner municipalities, and optional external committees to which Council members have been invited but are not required to join.

When considering appointments to non-required committees, Council should reflect on

whether having a member involved would truly enhance the committee’s work and benefit the Town of Lunenburg. These organizations do valuable work for the community, and while they may welcome a Council presence, it’s important to consider if this role is necessary. Council’s time is limited, so appointments should ideally align with the Town's priorities and meaningfully contribute to the committee's impact.

These tables provide an overview of the Town’s current optional external committees and partner committees, noting each committee's purpose and whether Council appointments are legislatively required:

| Partner Committees | | |
|--|---|--|
| Committee Name | Description | Is this required? & other notes |
| Trustees of Lunenburg Common Lands | Manages historic common lands in collaboration with municipal and provincial bodies. | Per existing trustees practice, two TOL residents are appointed, but they do not have to be councillors. |
| Lunenburg County Seniors Safety Advisory Partnership | Enhances seniors’ safety and independence through resources, home visits, and safety presentations. | No |

| External Committees | | |
|--|---|--|
| Committee Name | Description | Is this required? & other notes |
| Lunenburg Cultural Collective | Implements the Lunenburg Cultural Action Plan to promote arts, heritage, and cultural activities. | No |
| Lunenburg Fishermen’s Memorial Society | Maintains a waterfront memorial honoring local fishermen lost at sea. | No |
| Lunenburg Home for Special Care/Harbour View Haven Board | Oversees strategic planning and initiatives for the senior care facility. | No |
| Lunenburg Waterfront Association | Collaborates on waterfront projects to preserve its historic character and support local | No |

| | | |
|--|--|--|
| | businesses. | |
| South Shore Housing Action Coalition Committee | Addresses affordable housing needs through monthly meetings with community stakeholders. | No. Open participation; formal Councillor appointment not required |

Discussion

Before the November 19, 2024, Council meeting, councillors were asked to review committee descriptions and submit their preferred appointment choices to the Mayor. This report seeks Council’s formal approval for the appointments of members to each of the Town’s Partner and External Committees as presented in the tables above.

Relevant Legislation

Municipal Government Act – S. 24

Financial

Council members do not receive additional payment for attending committee meetings.

Communications

The Town will publicly announce committee appointments for each Councillor on its website and social media. Other municipalities and partner organizations will be notified directly.

Attachments

[Committees Policy](#)