



NOTICE

MEETING: St Mary's Municipal Council
Committee of the Whole

DATE: Wednesday, April 17th, 2019

TIME: 1:00pm

PLACE: St. Mary's Municipality
Council Chambers, Sherbrooke, NS

Please advise if unable to attend

Dated: April 10, 2019

Marvin MacDonald, CAO

**Municipality of the District of St. Mary's
Committee of the Whole
Wednesday, April 17th, 2019**

1. Call to Order
2. Roll Call
3. Approval of Agenda and Any Additions
4. Approval of Minutes from Committee Meeting held March 20th, 2019
5. Approval of Minutes from Committee Meeting held April 3rd, 2019
6. Business Arising from Minutes
7. Presentation – Stephen Mildenberger, Community EV Chargers
8. Other Matters of Business
 - a. Municipal Policies
 - b. Dangerous & Unsightly
 - c. Legal Services (In-Camera)
 - d. Agenda Process

Adjournment

**Municipality of the District of St. Mary's
Committee of the Whole
Wednesday, April 3rd, 2019**

Meeting, Date & Time

The Committee of the Whole meeting of St. Mary's Council was called to order on Wednesday, April 3rd, 2019 at 1:00 pm in the Council Chambers Sherbrooke, N.S.

Attending

Warden Mosher (Arrived 1:42pm)
Deputy Warden Dort
Councillor Kaiser-Kirk
Councillor Baker
Councillor Smith
Councillor Findlay
Councillor Malloy

Also Attending

Marvin MacDonald, CAO (Arrived 1:42pm)
Marian Fraser, Director of Finance
Denise Sawlor, Municipal Clerk/Special Projects Coordinator

Approval of Agenda

On motion of Councillor Kaiser-Kirk and seconded by Councillor Baker that Council approve the agenda with the following adjustments and additions:

4. RCMP Presentation
5. Whale Sanctuary
6. Approval of Minutes from Committee Meeting held March 20th, 2019
7. Business Arising from Minutes
8. Correspondence
 - o Budget 2019 FCM analysis
 - o NSFM Budget News Release
 - o Liscomb Lodge
 - o MPAL MOU
9. Other Matters of Business
 - o Leased Land Taxes
 - o Dangerous & Unsightly
 - o Municipal Policies Review
 - o Prioritizing Roads
 - o NSFM Spring Workshop
 - o EMO Date

Motion carried.

Presentation - RCMP Sergeant David Simpson, Corporal MacLeod & Constable Greene

- See attached information on the Off-Highway Vehicle (OHV) Pilot.
- Sherbrooke is part of the OHV Pilot program; it runs from Old Road Hill to an area near the RCMP detachment.

- For an OHV operator to use the designated program area they require a full driver's license, no passengers under 9 years of age, any machine carrying a passenger must be designed by the manufacturer to accommodate a passenger, etc.
- See attached Policing Report for the Municipality of the District of St. Mary's.

Break 1:30pm to 1:42pm

Marvin and Warden Mosher arrived 1:42pm

Whale Sanctuary

- The question was raised as to whether Council should appoint any members to sit on a whale sanctuary committee.
- A timeline of events regarding a whale sanctuary in the local area was reviewed.
- Questions were raised about the existence of a steering committee and Council's current involvement to date.
- Multiple communities are still being considered as sites for the whale sanctuary.
- It was suggested that a presentation to Council regarding the Whale Sanctuary would be a good idea.
- Marvin will contact Stephen Fleming to get clarity on the process so far.

Approval of Minutes

- Approval of the minutes of the Committee Of The Whole held March 20th, 2019 was deferred to the April 17, 2019 COTW meeting.

Business Arising From Minutes

- Deferred to the April 17, 2019 COTW meeting.

Correspondence

- Budget 2019 FCM Analysis provided to Council.
- NSFM Budget News Release provided to Council.
- Liscomb Lodge
 - DevelopNS has hired a Real Estate Consultant to assist with the sale of the lodge.
- MPAL MOU
 - The most recent version of the Memorandum of Understanding (MOU) for the Municipal Physical Activity Leadership Program (MPAL) was received.

Other Matters of Business

- Leased Land Taxes
 - A lease was terminated on crown land but the Land Administration Officer did not notify Property Valuation Services Corporation PVSC in a timely manner. As a result there is a small amount of taxes owing on the land.
 - It was requested that the taxes be written off by the Municipality
 - Council decided not to write off the outstanding taxes.
- Dangerous & Unsightly
 - The Building Inspector has viewed the property at 58 Court Street in Sherbrooke.
 - The Inspector recommends demolition and cleanup of the site.
 - Council wishes to view pictures of the property at the next COTW.
- Municipal Policies Review
 - A list of all municipal by-laws and policies was given to Council.
 - Council reviewed the draft of the new Video Conferencing and Teleconferencing Policy.

On recommendation of Deputy Warden Dort and seconded by Councillor Malloy that Council adopt the Video Conferencing and Teleconferencing Policy as presented.

Recommendation adopted.

- Council reviewed the drafts for the new Code of Conduct and Social Media policies. Changes were suggested and Council requested that these two policies be brought back to the next COTW.
- Council asked that a policy be created regarding agendas for Council meetings.
- Council expressed interest in a Hobby Farm by-law.

Break 2:47pm to 3:05pm

- **Prioritizing Roads**
 - Council discussed a potential conflict of interest regarding Councillor Smith and the prioritizing of gravel roads in the Municipality. It was determined that there isn't a conflict of interest.
 - There is approximately 252Kms of gravel roads in St. Mary's.
 - Council discussed several gravel roads in the municipality that are in need of repair.
 - Council stated the following three roads as priority:
 1. New Chester Rd
 2. Waternish Rd (west side)
 3. Dean Settlement Rd
 - Marvin will have a discussion with Paul Flynn regarding the roads discussed today.
- **NSFM Spring Workshop**
 - The workshop will be held May 8-10th, 2019.
 - No Councillors will be attending the workshop.
- **EMO Date**
 - A date for the EMO meeting will be set by the end of this week.

Adjournment

On Motion of Councillor Malloy there being no further matters of business, Council adjourned at 3:43pm.

Recorded By
Municipal Clerk

Approved By
Warden Mosher



Municipality of the District of St. Mary's

Code of Conduct Policy

Purpose:

The purpose of this policy is to promote high standards of professional conduct and values among elected officials and municipal employees. The policy will provide guidelines for identifying potential conflicts of interest and breaches of trust and help ensure that elected officials and municipal employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust.

Responsibilities:

- Elected officials and municipal employees are agents of the public whose primary objective is to address the needs of the public. As such, they are entrusted with upholding and adhering to the bylaws and policies of the municipality including the Hospitality and Mileage/Expense policies as well as all applicable federal and provincial laws.
- Elected officials and municipal employees must observe a high standard of morality in the conduct of their official duties and responsibilities without consideration of personal or financial gain.
- In the course of their duties, elected officials and municipal employees should strive to perform at a level which is expected of those who work in the public's interest.
- Elected officials and municipal employees should not exceed their authority, breach the law, or ask others to do so, and should work in full co-operation with other public officials and employees.
- No elected official or municipal employee will grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
- Soliciting members of council or municipal staff directly or indirectly in order to obtain preferential consideration in connection with any appointment to the municipal service may disqualify the candidate from further consideration for the appointment.
- No elected official or municipal employee will request or permit the use of municipality-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public.

- Any elected official or municipal employee who has a financial or personal interest in any proposed council matters, and who participates in discussion of such matters, will declare a conflict of interest.
- No elected official or municipal employee will perform work on behalf of any political party or candidate during his/her hours of employment with the municipality.
- No elected official or municipal employee will knowingly create, reproduce or distribute any material (printed or otherwise) that could be considered derogatory or harmful to fellow elected officials, municipal staff or the reputation of the municipality.

Conflict of Interest:

- No elected official or municipal employee will engage in any business transaction or have a financial or personal interest, direct or indirect, which would impair their independence of judgement or action in the performance of their official duties. Elected officials and municipal employees shall follow the provisions of Conflict of Interest found within the Municipal Government Act of Nova Scotia. There are a variety of situations which could constitute a conflict of interest for elected officials and municipal employees. The following list provides some examples:
 - No elected official or municipal employee will engage in or accept private employment or render services for private interests when such employment or services are incompatible with the proper discharge of their official duties or would impair his/her independence of judgement or action in the performance of his/her official duties.
 - No elected official or municipal employee shall, without proper legal authorization, disclose confidential information; nor will he/she use such information to advance the financial or personal interest of themselves or others.
 - No elected official or municipal employee will show favouritism or bias toward any vendor, contractor, or others doing business with the municipality.
 - Elected officials and municipal employees are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality. The exception being where gifts are exchanged as a cultural practice with international delegations.
 - No elected official or municipal employee will represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party. Furthermore, no elected official

or municipal employee will accept compensation or a retainer, which is conditional upon the actions of a municipal agency.

- No elected official or municipal employee will have any interest, direct or indirect, in any municipal contract issued by the municipality.

However, an elected official or municipal employee may enter into a legal contract with the municipality or any agency thereof for the sale and purchase of supplies, materials, or equipment or for the construction of public improvements if:

- they are not authorized by law to act on behalf of the municipality or any agent thereof in the awarding of the contract.
- the tender is called in a written, public, and openly competitive manner.
- all bids received and all documents pertaining to the awarding of the contract are retained according to the requirements of the Records Management policy.

Reporting Breaches of this Policy:

Elected officials or municipal employees who have reason to believe that this Code of Conduct policy has been breached in any way are encouraged to bring their concerns to the Chief Administrative Officer or Warden. No adverse action will be taken against any elected official or municipal employee who, acting in good faith, brings forward such information.

Corrective Action Violation of this Policy:

Any reported violation of this policy will be subject to investigation by the Chief Administrative Officer and/or Council. If an investigation finds an elected official or municipal employee guilty of a breach of this policy, the corrective action pursued will be commensurate with the nature and severity of the violation.

General:

When administering this policy, elected officials and municipal employees must adhere to the Municipal Government Act (MGA) or any other provincial acts governing the municipality and all relevant legislation pertaining to the subjects covered in this policy.

Municipal Clerk

Date

Date Adopted:

Municipality of the District of St. Mary's

Municipal Social Media Policy

Purpose:

The purpose of this policy is to:

- Outline responsibility and authority for creation, management and deletion of official social media accounts for the Municipality.
- Provide guidance around the use of social media for all staff and elected officials.
- Outline expectations in terms of account monitoring, moderation and response to postings considered to be problematic.
- Outline expectations of staff and elected official behaviour in the use of personal social media accounts.

Scope:

This policy applies to Municipality of the District of St. Mary's staff and elected officials including, but not limited to Chief Administrative Officer (CAO), Directors, Clerk, Council, Administration, Public Works, & other staff. Full and part time, contract or otherwise.

Definitions:

Social Media Account – Blogs, wikis, Facebook, Instagram, Twitter, Flickr, Snapchat, YouTube, etc. including any online, electronic communication used for publication or comment.

Content – Text, images, video, real-time & audio that is published via social media accounts.

Contributor – Person or persons who have been authorized by a moderator as a user of municipal social media accounts.

Moderator – Person or persons appointed by CAO to review and authorize content submitted by contributors and public users of any municipal managed social media accounts.

Administration of Social Media Accounts:

- The CAO will appoint a Moderator(s) for all official municipal social media accounts.
- Official municipal social media endeavors require approval of the CAO to ensure monitoring measures are in place so that slanderous or questionable posts and comments are removed in a timely manner.
- Municipal account passwords and other access information shall be centrally stored for all accounts by the Moderators and made known to the CAO.
- Municipal account passwords will be changed by the Moderators or the CAO when there are personnel changes in any position having access to an account.
- The CAO and Moderators will be the only personnel who may have full administrator authority to an account, i.e. to change passwords, add users, etc.
- Posting on official municipal social media accounts may only be done from municipal logins set up for that purpose or from an individual's personal account if prior authorization has been given by the CAO.
- The CAO may authorize the deletion of a municipal social media account if the account is deemed to be no longer required or where content is not being properly maintained.

Social Media Account Content

- Where appropriate, content on one official municipal social media account shall be cross-posted on other accounts.
- Content/information should not be published, posted or released if it is considered confidential or not for public consumption. If there are questions about what is considered confidential contact the CAO or a Moderator.
- Moderators and Contributors are expected to be polite and courteous even if he/she disagrees with social media comments/posts.
- If a situation arises in which information posted to an official account is deemed problematic requiring a Moderator to take action, refer to the Monitoring Standards and Incident Response sections of this policy.
- Contributors and Moderators must ensure appropriate permission was granted by the relevant parties before referring to or posting images of current or former employees, the public, vendors or suppliers. Additionally, appropriate permission must be granted to use all third party copyrighted material, trademarks, service marks or other intellectual property.
- Customer service inquiries of a personal nature should be acknowledged, taken offline for further communication and referred to the appropriate Municipal staff member for response.
- The Moderator, in consultation with the CAO, is responsible for providing an official response on behalf of the Municipality when required.

Personal Social Media Accounts

- Municipal Staff and Elected Officials need to be aware of and adhere to the Municipality of St. Mary's Code of Conduct policy, and other related policies, when using social media in reference to the Municipality and ensure that all usage is within the law.
- Municipal Staff and Elected Officials must be aware of the effect their actions may have on their image, as well as the image of the Municipality. Information that is posted or published remains public information forever.
- Municipal Staff and Elected Officials should use their best judgement to ensure the material they post is neither inappropriate nor harmful to the Municipality, its employees or its stakeholders.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content or images that are defamatory, pornographic, proprietary, harassing, libelous or that can create a hostile work environment.
- Subject to applicable law, online activity (including after-hours activity) that violates the Municipal Code of Conduct Policy or any other municipal policy may subject the individual to disciplinary action or termination.
- While common disclaimers such as "retweets don't imply endorsement" or "all views are my own" may help clarify the context of personal social media messages, they do not absolve the responsibility of the individual to uphold the Municipality's Code of Conduct Policy. Elected officials and Municipal Staff should not voice personal opinions in public forums regarding Council decisions, fellow employees or elected officials, your workplace or Municipal projects and programs, if such opinions could cause harm to the image or reputation of the Municipality, or damage the Municipality's relationship with its citizens or other stakeholders in the community.
- Municipal Staff and Elected Officials must not use personal social media accounts to post municipal decisions prior to that information being approved and made public by Council.

Monitoring Standards

The Municipality of St. Mary's reserves the right to remove any posts or content on official municipal social media accounts for reasons including but not limited to:

- Providing the personal information of individuals.
- Promoting, perpetuating or fostering discrimination on the basis of race, creed, colour, age, religion, gender, marital status, status with regard to public assistance, nationality, physical or mental disability or sexual orientation.
- A personal attack on an individual or specific group.
- Profanity or abusive language.
- Content or links to content that is sexually explicit.
- Conducting or encouraging illegal activity.
- Attempting to advertise, promote or sell products or services of an individual or business with the exception of economic development/retention activities or the official role of elected officials as per the Nova Scotia Municipal Government Act.
- Promoting a candidate for municipal, provincial or federal election.
- Tending to compromise the safety or security of the public or public systems.
- Violating a legal ownership interest of another party.
- Not complying with municipal, provincial or federal legislation.
- Violating privacy legislation, including discussion of items in closed session meetings.
- Promoting an individual religion or religious service.

Violation of these standards is deemed to be an incident and the procedure outlined in the incident response section of this policy shall be followed.

Incident Response

In the event that information posted to an official municipal social media account is deemed an "incident", the following immediate steps must be undertaken:

1. The account Moderator will take corrective action immediately which may include the removal of the offending content or posting corrective information.
2. The Moderator will notify the CAO of the incident and response. If the incident occurs after hours, it should be reported the next business day.
3. The Moderator must document relevant details of the incident (i.e. screenshots, user information, social media name and URL, date, time, etc.).
4. Social media networks, blogs and other types of online content sometimes generate media attention or legal questions. All media and legal inquiries should be referred to the CAO.

In the event that information posted to a personal social media account is deemed an "incident", the following immediate steps must be undertaken:

1. The CAO or Department Head will take corrective action immediately which may include requesting the removal of the offending content or posting corrective information.
2. The CAO or Department Head must document relevant details of the incident (i.e. screenshots, user information, social media name and URL, date, time, etc.).
3. Social media networks, blogs and other types of online content sometimes generate media attention or legal questions. All media and legal inquiries should be referred to the CAO.

Municipal Clerk

Date

Date Adopted: