



MUNICIPALITY *of the*
COUNTY *of* KINGS

SPECIAL COUNCIL
Tuesday, December 17, 2024
Following COTW
AGENDA

Video Recording Times Noted in Red
Video is available [here](#).

1. Roll Call **4:23:31**
2. Approval of Agenda **4:23:46** Page 1
3. Disclosure of Conflict of Interest Issues **None**
4. Administration **4:24:45**
 - a. Repeal of ADMIN-01-012: Policy for the Investigation and Adjudication of Complaints under the Code of Conduct for Elected Municipal Officials Page 2
5. Recommendations from the [Audit & Finance Committee December 12, 2024](#) **4:25:42** Page 14
(Pending Audit & Finance Committee Approval)
 - a. Consolidated Financial Statements 2023/2024
 - b. Non-Consolidated Financial Statements 2023/2024
 - c. General Operating Accountability Report (Period Ended March 31, 2024)
 - d. Transfer to Special Project Reserve
 - e. Transfer to Municipal Sewer Operating Reserve
 - f. Budget Timeline 2025/2026
 - g. General Operating Accountability Report (Period Ended September 30, 2024)
6. Recommendations from [Committee of the Whole December 17, 2024](#) **4:31:30**
(Pending Committee of the Whole Approval)
 - a. Proclamation Request: African Heritage Month 2025
 - b. Policy FIN-05-008: Business Expense (notice)
 - c. Policy FIN-05-020: Hospitality (notice)
 - d. RFP 21-13 Screening Building Project Design - Hants Border & Aylesford
 - e. Contract Award: 24-40 Infrastructure Maintenance Services (East)
 - f. Contract Award: 24-41 Infrastructure Maintenance Services (West)
 - g. 2024/25 Capital Investment Plan and Canada Community-Building Fund Allocation to Villages
 - h. Our Joint Accessibility Plan Update
7. Other Business **None**
8. Comments from the Public **None**
9. Closed Session **4:45:37**
 - a. MGA s. 22(2) (e) contract negotiations
 - b. MGA s. 22 (2) (a) acquisition, sale, lease and security of municipal property
10. Adjournment

Accommodations are available for this meeting: please submit your request at
www.countyofkings.ca/accommodationsrequest.

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MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

Creation Date: October 2014
Approval Date: February 4, 2015
Revision Date: July 5, 2016

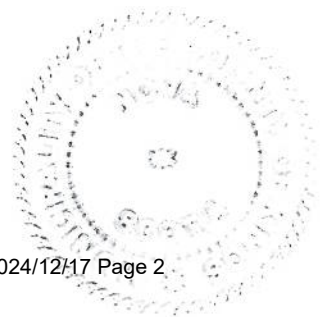
Policy Category: Administration
Next Review Date: February 2018

Interpretation:

1. In this policy:
 - a. "business days" do not include Saturdays, Sundays, statutory holidays, and any other days on which the offices of the Municipality are closed;
 - b. "CAO" means the Chief Administrative Officer of the Municipality of the County of Kings;
 - c. "Clerk" means the Clerk of the Municipality of the County of Kings;
 - d. "Code" means the *Municipality of the County of Kings Code of Conduct for Elected Municipal Officials*, as adopted and amended by Council;
 - e. "Council" means the Council of the Municipality of the County of Kings;
 - f. "Investigator" means a person retained by the CAO to conduct an investigation and deliver a report under this policy who:
 - i. has experience in municipal law, municipal governance, or alternative dispute resolution; and
 - ii. is designated on a list of potential Investigators approved by a resolution of Council

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Page 1 of 12





MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

Statement of Purpose:

2. The purpose of this policy is to provide a clear, fair, and unbiased procedure for investigating and adjudicating complaints that members of Council have contravened the Code.

Requirements for a Valid Complaint:

3. A complaint that a member of Council has contravened the Code may be brought by a member of Council or any member of the public.
4. A complaint that a member of Council has contravened the Code shall:
 - a. be in writing;
 - b. be signed by an identifiable individual;
 - c. set out, at a minimum, the following information:
 - i. the name of the member of Council who has allegedly contravened the Code;
 - ii. the provision of the Code allegedly contravened;
 - iii. the facts constituting the alleged contravention, including the date on which the alleged contravention took place;
 - iv. the complainant's contact information;
 - v. the names and contact information of witnesses to the alleged contravention;
 - d. be filed with the Clerk within six months of the date on which the alleged contravention took place.

MASTER

Page 2 of 12



MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

5. Complaints which do not comply with Section 4 shall not be accepted by the Clerk for further processing and investigation.
6. If the Clerk receives a complaint that does not comply with Section 4, he or she shall give the complainant:
 - a. written notice of the deficiencies; and
 - b. an opportunity to re-submit their complaint in a form or manner which complies with Section 4.
7. Any complaints submitted and any information gathered during the investigation shall be considered confidential unless and until the information is released in the manner(s) prescribed in the Policy.

Preliminary Screening:

8. The Clerk shall forward all complaints which comply with Section 4 to the CAO for a determination as to whether the complaint is, on its face, a complaint with respect to non-compliance with the Code that is not covered by other legislation.
9. If the CAO determines that:
 - a. he or she is unable to determine whether a complaint is, on its face, a complaint with respect to non-compliance with the Code that is not covered by other legislation, he or she shall refer the complaint to external legal counsel for guidance on this issue; or
 - b. it would be inappropriate for him or her to make this determination in a particular case, he or she shall delegate authority to make the determination to an investigator, in which case the investigator shall be fully empowered to review the complaint, make the determination, and deliver any written information required under Section 10 to the complainant.

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MUNICIPALITY OF THE COUNTY OF KINGS

Policy for the Investigation and Adjudication of Complaints under the Code of Conduct for Elected Municipal Officials

10. If a determination is made that a complaint is not, on its face, a complaint with respect to non-compliance with the Code or is covered by other legislation, he or she shall instruct the Clerk to advise the complainant in writing as follows:
 - a. if the complaint is, on its face, an allegation that a member of Council has engaged in conduct contrary to the *Criminal Code of Canada* or conduct that gives rise to or constitutes an offence under federal, provincial or municipal legislation, the complainant shall be advised that they must pursue the allegation with the appropriate police force, agency or other entity;
 - b. if the complaint is, on its face, an allegation of non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be given a copy of the statute and advised to review the matter with their own legal counsel;
 - c. in all other cases, the complainant shall be advised that the matter does not fall under the ambit of the Code, together with any additional reasons and/or referrals as the CAO considers appropriate.
11. If a determination is made that a complaint is not, on its face, a complaint with respect to non-compliance with the Code or is covered by other legislation, the CAO shall provide the following information to the member of Council who is the subject of the complaint:
 - a. written confirmation that the complaint is not being forwarded for investigation; and
 - b. a copy of the complaint.
12. The decision of the CAO at the preliminary screening stage as to whether or not the complaint should be forwarded to an investigator is final, and is not subject to any right of appeal, review or reconsideration.

MASTER

Page 4 of 12



MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

13. The CAO shall report to Council:

- a. the cost of referring the complaint to external legal counsel (pursuant to subsection 9a); or
- b. The cost associated with delegating the authority to make the preliminary determination to an investigator (pursuant to subsection 9b).

Referral to and Investigation by Investigator:

14. If a determination is made that the complaint is, on its face, a complaint with respect to non-compliance with the Code that is not covered by other legislation, the CAO shall:

- a. retain an Investigator to conduct an investigation and provide a report to Council;
- b. via personal service or registered mail, provide the member of Council who is alleged to have breached the Code with:
 - i. copies of the complaint and any other materials filed by the complainant;
 - ii. written notice that an Investigator has been retained, together with the Investigator's contact information;
 - iii. written notice of the deadline by which the member may provide a written response to the complaint; and
 - iv. a copy of this policy;
- c. provide written notice to the complainant that their complaint has been referred to an Investigator, together with the Investigator's contact information and a copy of this policy.

15. The member of Council who is alleged to have breached the Code may, within 10 days of receiving the materials referred to in subsection 14(b), deliver a written response to the complaint to the Investigator.

MASTER

Page 5 of 12



MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

16. The Investigator shall, via personal service or registered mail, provide the complainant with:
 - a. copies of the response and other materials submitted by the member of Council alleged to have breached the Code; and
 - b. written notice of the deadline by which the complainant may provide a written reply to the above response and other materials.
17. The complainant may, within 10 days of receiving the materials referred to in Section 16, deliver a written reply to the Investigator.
18. The Investigator may, at his or her discretion:
 - a. speak to anyone relevant to the complaint, including but not limited to the complainant, the member of Council alleged to have breached the Code, and any witnesses referred to in the complaint, response or reply;
 - b. take or accept a written statement from anyone relevant to the complaint, including but not limited to the Complainant, the member of Council alleged to have breached the Code, and any witnesses referred to in the complaint, response or reply.
19. If the Investigator speaks to anyone pursuant to subsection 18(a), he or she shall prepare a written summary of their conversation.
20. If the Investigator speaks to and/or takes or accepts a written statement from anyone pursuant to Section 18, he or she shall:
 - a. via personal service or registered mail, provide copies of any such statements and summaries of any such conversations to the complainant and the member of Council alleged to have breached the Code; and

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MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

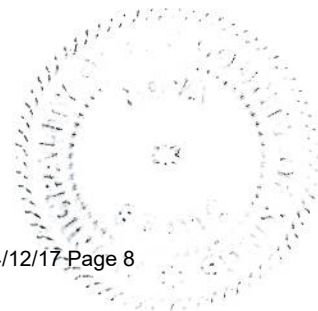
- b. allow the complainant and the member of Council alleged to have breached the Code to provide a written response to any such materials within 10 days of receiving same.
21. The Investigator may, at his or her discretion, extend any of the time periods imposed by Sections 15, 17, and 20(b).
22. If the Investigator is of the opinion that:
- a. a complaint is not, on its face, a complaint with respect to non-compliance with the Code or is covered by other legislation;
 - b. a complaint is frivolous, vexatious, or not in good faith; or
 - c. there are no grounds or insufficient grounds for an investigation,
- he or she shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

Reports, Recommendations and Settlement Agreements:

23. Within 90 days of being retained by the CAO, the Investigator shall deliver a report to the CAO outlining:
- a. the scope of their investigation;
 - b. a detailed summary of the evidence collected during the course of their investigation;
 - c. if the Investigator decided not to conduct or to terminate an investigation under Section 22, the findings and reasons in support of their decision;
 - d. where applicable, the Investigator's conclusion as to whether the member of Council breached the Code, together with the findings and reasons in support of their conclusion;

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Page 7 of 12





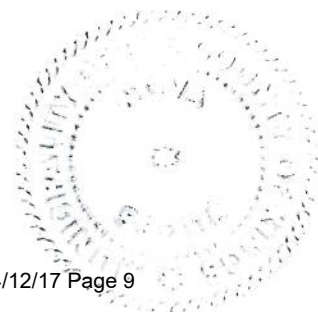
MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

- e. if the Investigator concluded that the member of Council breached the Code, either:
 - i. the terms of any settlement agreement reached with the member of Council; or
 - ii. the Investigator's recommendations as to sanction and/or corrective action, together with the reasons for their recommendations; and
 - f. the total cost incurred by the Municipality in retaining the Investigator to investigate the complaint and produce their report.
24. The Investigator shall append copies of the following documents to his or her report:
- a. a copy of the complaint;
 - b. copies of any written submissions or evidence tendered by the complainant and the member of Council during the course of the investigation;
 - c. any summaries prepared pursuant to Sections 18 and 19; and
 - d. any written statements taken or accepted pursuant to Sections 18 and 20.
25. The Investigator shall not lose jurisdiction over the complaint simply by failing to deliver his or her report to the CAO within the 90 day time limit specified by Section 23.
26. If the Investigator determines that a member of Council has breached the Code, he or she may recommend one or more of the following sanctions and/or courses of corrective action:
- a. a written warning or caution to the member to refrain from engaging in similar conduct in the future;
 - b. a written reprimand;

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Page 8 of 12





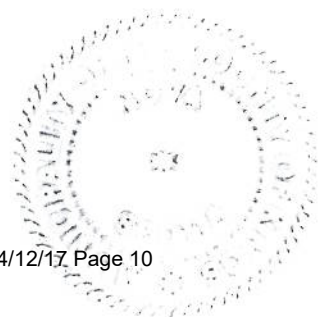
MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

- c. a request that the member apologize to the complainant, Council, or any other persons affected by the breach; and
 - d. the withdrawal of the member's appointment to a committee of Council.
- 27. In formulating recommendations for sanctions and/or courses of corrective action, the Investigator's primary objective shall be to prevent or deter the continuation or repetition of the conduct or activity that gave rise to the breach of the Code.
- 28. The Investigator shall not deliver a report to the CAO finding a breach of the Code unless:
 - a. the Investigator has given, via personal service or registered mail, the member of Council found to have breached the Code written notice of the basis for the proposed finding and any recommendation sanction and/or corrective action; and
 - b. the member of Council has either entered into a settlement agreement, or been given 10 days from receipt of the above-mentioned notice to provide a written response to the proposed finding and any recommended sanction and/or course of corrective action.
- 29. The Investigator may, at his or her discretion, extend the 10 day period imposed by subsection 28(b).
- 30. The Investigator may, at any point after the completion of his or her investigation and before delivering his or her report to the CAO, enter into a settlement agreement with the member of Council alleged to have breached the Code whereby the member agrees:
 - a. that they have breached the Code;
 - b. to a specific sanction and/or to complete a specified course of corrective action by a set date; and

MASTER

Page 9 of 12





MUNICIPALITY OF THE COUNTY OF KINGS

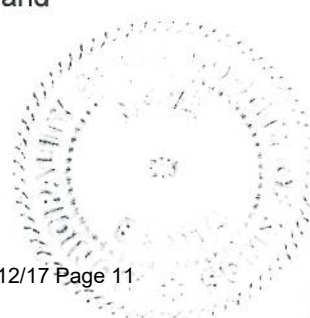
**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

- c. that if they fail to complete a specified course of corrective action by a set date, the settlement agreement shall be null and void, and the matter shall revert to the Investigator for further reporting and recommendations to Council.
- 31. The Investigator shall not enter into a settlement agreement unless he or she is satisfied that the sanction and/or course of corrective action set out in the settlement agreement will adequately prevent or deter the conduct or activity that gave rise to the breach of the Code.
- 32. The Investigator shall not enter into a settlement agreement which provides that its terms are to remain confidential and/or that the settlement agreement may not be made public.
- 33. If the Investigator enters into a settlement agreement, he or she shall deliver a copy to the CAO with his or her report.
- 34. Upon delivery of the Investigator's report to the CAO, his or her conclusions as to whether the Code was breached are final and are not subject to any right of appeal, review, or reconsideration.
- 35. Upon receipt of the Investigator's report, the CAO shall forward copies of same to the complainant and the member of Council alleged to have breached the Code.

Referral of Investigator's Report, Settlement Agreement and Recommendations to Council:

- 36. If the Investigator concludes that there was a breach of the Code and a settlement agreement is reached as to sanction and/or corrective action, the CAO shall table the Investigator's report and settlement agreement at the next regularly scheduled meeting of Council, and provide Council with a brief report regarding the Investigator's findings.
- 37. If the Investigator concludes that there was a breach of the Code and no settlement agreement was reached with the member who breached the Code, the CAO shall:
 - a. distribute copies of the Investigator's report to all members of Council; and

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MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

- b. ensure that consideration of the Investigator's recommendations regarding sanction and/or corrective action is added as an item to the agenda for the next regularly scheduled meeting of Council that is at least 5 business days after the date on which the CAO distributes copies of the report to the members of Council.
- 38. The member of Council found to have breached the Code may, no less than 2 business days before the meeting at which Council will consider the Investigator's report and recommendations, deliver written submissions regarding sanction and/or courses of corrective action to the CAO, who shall forthwith deliver copies of same to the other members of Council.
- 39. The member of Council found to have breached the Code may make oral submissions regarding sanction and/or courses of corrective action at the meeting at which Council considers the Investigator's report and recommendations.
- 40. The member of Council found to have breached the Code is not entitled to vote on any motions relating to the Investigator's report or the sanctions and/or courses of corrective action flowing from the breach.
- 41. If the complaint against the member of Council found to have breached the Code was filed by another member of Council, that member is not entitled to vote on any motions relating to the Investigator's report or the sanctions and/or courses of corrective action flowing from the breach.
- 42. In considering the Investigator's report and recommendations, Council may, subject to the provisions of the Code:
 - a. accept the Investigator's recommendations as to sanction and/or corrective action;
 - b. vary the Investigator's recommendations as to sanction and/or corrective action;
or

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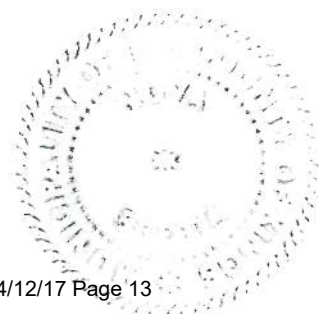
MUNICIPALITY OF THE COUNTY OF KINGS

**Policy for the Investigation and Adjudication of Complaints under
the Code of Conduct for Elected Municipal Officials**

- c. reject the Investigator's recommendations, and impose such other sanctions and/or courses of corrective action as it sees fit.
43. A decision by Council to withdraw a member's appointment to a Committee of Council shall not trigger the application of Section 3 of the Municipality's *Councillor and Committee Remuneration Policy*, FIN-05-002.

MASTER

Page 12 of 12



Committee Recommendations

COMMITTEE	Audit & Finance Committee
COMMITTEE MEETING DATE	December 12, 2024
COUNCIL MEETING DATE	December 17, 2024

RECOMMENDATIONS

a.	Consolidated Financial Statements 2023/2024	That Municipal Council approve the March 31, 2024, Consolidated Financial Statements as attached to the December 12, 2024, Audit & Finance Committee agenda.
b.	Non-Consolidated Financial Statements 2023/2024	That Municipal Council receive for information the March 31, 2024, Non-Consolidated Financial Statements as attached to the December 12, 2024, Audit & Finance Committee agenda.
c.	General Operating Accountability Report (Period Ended March 31, 2024)	That Municipal Council accept the General Operating Accountability Report for period ended March 31, 2024 as an information item.
d.	Transfer to Special Project Reserve	That Municipal Council approve the transfer of \$265,345 to the Special Project Reserve 61-4-460-381 relating to unspent funds from approved project budgets.
e.	Transfer to Municipal Sewer Operating Reserve	That Municipal Council approve the transfer of \$22,976 to the Municipal Sewer Operating Reserve 61-4-460-130 relating to unspent funds from approved project 22-3406 Municipal Specification Manual Update.
f.	Budget Timeline 2025/2026	That Municipal Council approve the 2025/2026 Budget Timeline attached as Appendix A to the December 12, 2024, Request for Decision.
g.	General Operating Accountability Report (Period Ended September 30, 2024)	That Municipal Council accept the General Operating Accountability Report for period ended September 30, 2024 as an information item.