

Town of North Rustico, PEI
Conflict of Interest Bylaw
Bylaw No. 2020-06

A bylaw relating to conflicts of interest and the conduct of the Town's council members, committee members, and administrative staff.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NORTH RUSTICO as follows:

1. Title

1.1. This bylaw may be cited and referred to as the "Conflict of Interest Bylaw."

2. Definitions

- 2.1. "Act" means the *Municipal Government Act*, R.S.P.E.I., 1988 Cap. M012.1, as may be amended from time to time, or any successor act;
- 2.2. "Administration" means the employees, including the Chief Administrative Officer, of the Town;
- 2.3. "Chief Administrative Officer" means the person appointed to that position by Council under the Act;
- 2.4. "Council" means the council of the Town;
- 2.5. "Councillor" means a member of the Town's Council, but excludes the Mayor;
- 2.6. "Deputy Mayor" means the Council member who is appointed by the Mayor to act as Mayor in the absence or illness of the Mayor;
- 2.7. "Family member" means, in relation to a person, a spouse, common law spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law, and includes a step-parent, step-child, child-in-law, sibling-in-law and half sibling; and
- 2.8. "Town" means the Town of North Rustico.

3. Application

- 3.1. This Bylaw applies to:
 - (a) The Mayor;
 - (b) The Councillors;
 - (c) The Administration; and
 - (d) Members and directors appointed by the Town on any of its committees, corporations, or commissions.
 - 3.2. No persons listed in section 3.1 shall:
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- (a) Seek or obtain by reason of their office any privilege or advantage for themselves or for a Family Member not otherwise available to other persons;
 - (b) Accept any fees, gifts, gratuities or other benefits which would reasonably be deemed to influence their decision in respect of the performance of their functions;
 - (c) Make use of privileged or confidential information to which they have access by reason of their office for personal gain or for the gain of others;
 - (d) Hold any office or position incompatible with the disinterested performance of their duties and responsibilities; or
 - (e) Act contrary to any of the conflict of interest provisions set forth in the Act.
- 3.3. Where during any meeting there arises a matter in which a person listed in section 3.1 has a direct or indirect pecuniary interest, or is otherwise affected, that person shall:
- (a) Declare the person's interest in the matter before the Council, each and every time the matter is brought before Council;
 - (b) Remove themselves from the Council meeting and any other meeting where the matter is discussed;
 - (c) Abstain from the discussion and voting on the matter;
 - (d) Not attempt in any way, before, during or after a meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the person has a conflict of interest; and
 - (e) Submit a written amendment to the disclosure statement if they have declared a conflict of interest that is not listed, but is required to be included, on their most recently filed public disclosure statement.
- 3.4. For purposes of section 3.3, "meeting" includes:
- (a) A meeting of the Town's Council; and
 - (b) A meeting of any committee, corporation, or commission on which the member serves by virtue of an appointment by the Town.
- 3.5. The Chief Administrative Officer, or such other person charged with recording the minutes, shall record the disclosure of the conflict and that the disclosing person withdrew from the meeting without voting or participating in the discussion.
- 3.6. A complaint that a member of Council is in a conflict of interest may be made to Council pursuant to section 97 of the Act:
- (a) By a member of Council; or
 - (b) In writing, by a qualified elector of the Town, as determined by subsection 32(3) of the Act.
- 3.7. After a complaint has been made against a member of Council, the Mayor shall ensure that the complaint comes before Council to be addressed as follows:
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- (a) Where a member of Council has made a complaint against another member of Council, the complainant will address Council with respect to the nature of the complaint.
 - (b) Where an elector has made a complaint against a member of Council, the complaint will be tabled in writing and the elector will be given the opportunity to speak.
 - 3.8. At the conclusion of either event in section 3.7, the Council member against whom the complaint is made must be given an opportunity to respond to the complaint.
 - 3.9. The complaint must be given an opportunity to respond to the complaint.
 - 3.10. The complaint must be recorded in the minutes of the meeting.
 - 3.11. In the event that the Mayor is the subject of the complaint has been made has addressed Council, the member of Council must excuse themselves from the room for the duration of the discussion regarding the complaint.
 - 3.12. Council may seek an opinion from the Town's legal counsel when determining whether or not a conflict exists and the matter may be tabled until that advice has been received and considered.
 - 3.13. The member of Council against whom a complaint has been made may seek an opinion from independent legal counsel and the matter may be tabled until that advice has been received and considered.
 - 3.14. The member of Council against whom a complaint has been made must be absent from any discussion in advance of a vote and shall not vote in any way or attempt to influence the discussion of or voting on the matter at issue until the complaint has been resolved and it has been determined by Council that the member is not in a conflict.
 - 3.15. Council will consider all relevant information and will determine, by vote, if a conflict of interest exists. The Council must declare that:
 - (a) The member is in a conflict of interest; or
 - (b) The member is not in a conflict of interest.
 - 3.16. The disclosure and decision as to whether a conflict of interest exists must be recorded in the minutes of the Council meeting.
 - 3.17. If Council determines a conflict of interest exists, Council will require the member of Council to:
 - (a) Remove themselves from the Council meeting and any other meeting when the matter is discussed;
 - (b) Abstain from the discussion and voting on the matter; and
 - (c) Not attempt in any way, before, during or after a meeting, to influence the discussion or voting on any question, decision, recommendation, or other action to be taken involving a matter in which the member has a conflict of interest.
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4. Procedure for Reporting Conflicts of Interest

- 4.1. Every member of Council is individually responsible for preventing potential and actual conflicts of interest as defined in the Act.
- 4.2. A member of Council must ensure that the conflict of interest is brought to the attention of Council as soon as it arises and declare their interest before any discussion of the matter during any type of meeting of Council including:
 - (a) council meetings;
 - (b) council committee meetings, including Planning Board meetings
 - (c) meetings with the public for the purpose of information sharing or gathering such as town hall meetings;
 - (d) public hearings required under legislation;
 - (e) controlled corporation meetings; and
 - (f) meetings where the member serves as the representative of the Council on another body;
- 4.3. There is no conflict in the decision made by Council if an interest is properly declared and the declaration:

5. Effective Date

- 5.1. This Conflict of Interest Bylaw, Bylaw No. 2020-06, shall be effective on the date of approval and adoption below.

6. Repeal

- 6.1. All previous bylaws of the Town pertaining to conflicts of interest are hereby repealed.
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First Reading:

This Conflict of Interest Bylaw, Bylaw No. 2020-06, was read a first time at the Council meeting held on the 27 day of April 2020.

This Conflict of Interest Bylaw, Bylaw No. 2020-06, was approved by a majority of Council members present at the Council meeting held on the 27 day of April 2020.

Second Reading:

This Conflict of Interest Bylaw, Bylaw No. 2020-06, was read a second time at the Council meeting held on the 11 day of May 2020.


This Conflict of Interest Bylaw, Bylaw No. 2020-06, was approved by a majority of Council members present at the Council meeting held on the 11 day of May 2020.

Approval and Adoption by Council:

This Conflict of Interest Bylaw, Bylaw No. 2020-06, was adopted by a majority of Council members present at the Council meeting held on the 11 day of May 2020.

The Conflict of Interest Bylaw is declared to be passed on the 11 day of May 2020.

WITNESS the corporate seal of the Town.



Mayor (signature sealed)

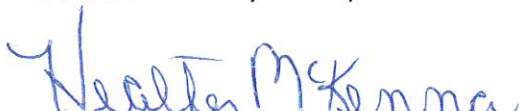


Chief Administrative Officer (signature sealed)



BE IT RESOLVED THAT: Bylaw No. 2020-04, being a bylaw related to the appointment of enforcement officers in the Town, is hereby enacted as a bylaw of the Town and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply to Town's seal thereto.

Dated the 11 day of May 2020.



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

