

City/Town/Rural Municipality of Bedeque and Area, PEI
A Bylaw to Provide Rules Governing Conflict of Interest for Members of Council
Bylaw # 2018-01

BE IT ENACTED by the Council of the City/Town/Rural Municipality of Bedeque and Area as follows:

1. Title

- 1.1. This bylaw shall be known and cited as the "Conflict of Interest Bylaw."

2. Authority

- 2.1. Section 97 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires a Council to establish a bylaw outlining a procedure to be followed by a member of Council if the member believes or suspects that they may have a conflict of interest or if a complaint is received by council that a member has a conflict of interest.

3. Application

- 3.1. This bylaw applies to all members of Council.

4. Definitions

- 4.1. "Act" means the *Municipal Government Act*.
- 4.2. "Bias" means a preconceived opinion, predisposition, or prejudice that prevents a person from impartially evaluating information on an issue that has been presented for determination.
- 4.3. "Chief Administrative Officer" or "CAO" means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the *Municipal Government Act*.
- 4.4. "Councillor" means a member of Council other than the Mayor.
- 4.5. "Conflict of Interest" means a situation in which a member of Council is in a conflict of interest if, in relation to a matter under consideration by the Council, the member or a person closely connected to the member:
- (a) has any pecuniary interest;
 - (b) is a shareholder, officer, agent or director of a corporation or any other organization that has dealings or contracts with the municipality; or
 - (c) is a party to dealings or a contract with the municipality, or is a member of a partnership that has dealings or a contract with the municipality.
 - (d) a Council member is in a conflict of interest if the member makes a decision or participates in making a decision in the execution of their office while at the same time the member knows or ought reasonably to know that the member's private interests or the private interests of a person closely connected to the member affected the member's impartiality in the making of the decision.

- (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;

6.3. There is no conflict in the decision made by Council if an interest is properly declared and the declaration:

- (a) occurs before any consideration or discussion;
- (b) discloses the general nature of the conflict;
- (c) includes any material details that may reasonably be seen to affect the member's impartiality; and
- (d) involves the person making the declaration leaving the room at any time while the topic is being discussed and decisions relating to the topic are being made.

6.4. If a member of Council or a person closely connected to the member develops a private interest in a matter *after* it has been addressed by Council, the member of Council must disclose the conflict of interest as soon as possible thereafter.

6.5. A member of Council shall disclose an interest each and every time the matter in which an interest is held is brought before Council.

6.6. Pursuant to subsection 96.(3) *Municipal Government Act*, when a member of Council declares a conflict of interest, the Council member:

- (a) shall refrain from discussion and voting;
- (b) must leave the room where the meeting is being held until discussion and voting has occurred;
- (c) shall not influence discussion, voting, recommendations or other actions to be taken involving the matter, including using their office or position to influence others or the decisions of others, before, during, and after the meeting; and
- (d) must submit a written amendment to the disclosure statement if they have declared a conflict of interest that is not present, but is required to be included, on their most recently filed public disclosure statement.

Note: Council may wish to require parallel requirements for committee members who are not members of Council.

6.7. A declaration of a conflict of interest must be recorded in the meeting minutes. If a conflict of interest is declared by a member of Council, the CAO shall ensure that the following is recorded in the meeting minutes:


(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.

- 7.3. At the conclusion of either event (a) or (b) in section 7.2, the Council member against whom the complaint is made must be given an opportunity to respond to the complaint.
- 7.4. The complaint must be recorded in the minutes of the meeting.
- 7.5. In the event that the Mayor is the subject of the complaint, the Deputy Mayor will bring the matter before Council.
- 7.6. After the member of Council against whom 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.
- 7.7. Council may seek an opinion from legal counsel for the municipality when determining whether or not a conflict exists.
- 7.8. The member of Council may seek an opinion from independent legal counsel.
- 7.9. 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 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.
- 7.10. 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.
- 7.11. The disclosure and decision as to whether a conflict of interest exists must be recorded in the minutes of the Council meeting.
- 7.12. If Council determines a conflict of interest exists, Council will require the member of council to:
- (a) remove himself or herself 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.

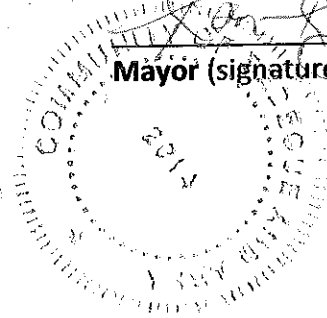
8. Disqualification for Failing to Disclose a Conflict of Interest


- 8.1. Pursuant to subsection 96(4) of the *Municipal Government Act*, a member of Council is disqualified from serving on Council if they:
- (a) fails to declare their interest in the matter before the Council;

4. Signatures

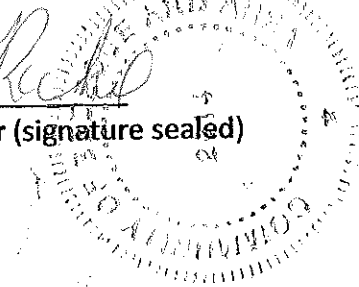


Mayor (signature sealed)

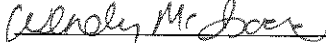




Chief Administrative Officer (signature sealed)



Filed on behalf of the Minister of Communities, Land and Environment in accordance with s.129 of the *Municipal Governance Act*

 5/23/18
Signed Dated