

**Rural Municipality of Miltonvale Park Council  
MINUTES**

**Milton Community Hall**

**7:30 p.m., Wednesday, October 17, 2018**

**Present:** Mayor Hal Parker, Councillors Philip Hooper, Tamsyn Cosh-MacKenzie, Sheila Curtis, Helen Shaw; CAO Shari MacDonald;

**Regrets:** Councillors Sheila MacKinnon

1. **CALL TO ORDER** – Mayor Parker called the meeting to order at 7:30 p.m.
2. **APPROVAL OF AGENDA - INTRODUCTION OF ADDITIONAL AGENDA ITEMS**

Motion 2018:99 - Moved by Councillor Philip Hooper, seconded by Councillor Sheila Curtis **that the agenda be approved as circulated.** Motion carried, 5-0.

3. **DISCLOSURE OF PECUNIARY OR OTHER CONFLICT OF INTEREST**

No conflict of interest issues were identified.

4. **APPROVAL OF MINUTES**

Motion 2018:100 - Moved by Councillor Helen Shaw and seconded by Councillor Sheila Curtis **that the minutes of September 19, 2018 be approved with the correction of a typo on the 5<sup>th</sup> line of the Presentations report.** Motion carried, 5-0.

5. **PRESENTATIONS**

There were no presentations scheduled.

6. **BUSINESS ARISING FROM THE MINUTES/OLD BUSINESS**

- a. **Internet** –Bell is currently hanging the fiber op on the poles. Eastlink is apparently installing high speed internet to several houses on the east end of the MacKenzie Road. The Mayor was told that Bell is continuing fiber up the New Glasgow Road well into Ebenezer, although this has not been confirmed. The Council Office was contacted by a resident from Sleepy Hollow who was concerned about the funds being spent on the project.
- b. **Website** – The Federation of PEI Municipalities (FPEIM) has several other municipalities considering new websites and offered to coordinate or possibly have FPEIM send out a Request for Proposals.
- c. **Hydrants** -Council sent a letter to the Province in July 2018, asking they pay the annual fees associated with the hydrants installed when the Provincial Correctional Facility was serviced with municipal water. Danny Jenkins, from Municipal Affairs, noted Transportation and Infrastructure Renewal are now

reviewing the situation with city officials and are hoping to have some resolution in the coming weeks.

- d. **Elections** – Kay Rodd will be the Returning Officer (RO) for the November 5 election and attended election training on September 26 in Victoria. The Municipal Election Office opened on October 9<sup>th</sup>. The deadline for nominations is Friday, October 19 at 2:00 p.m. The required advertisement was in The Guardian on October 4, 2018. Election staff will attend a voting and counting workshop on Monday, October 29 at North Rustico. The RO must give paper copies of the voters' list to the candidates, who must sign either the "Receipt of Sensitive Information Form" or "Candidate Form - Declining Preliminary and Official List of Electors". The list of electors contains personal information, which must be protected, can only be used for campaigning purposes. Candidates can appoint an agent, and must report on expenses and donations.

Elections dates:

- Fri. Oct 19: Nominations close at 2 p.m.
- October 19: Nomination day (notice of nominated candidates)
- October 19 – 26: Extended nomination period (if required)
- October 24: Election notice
- November 3: Advance poll – 9 a.m. -12 noon
- November 5: ELECTION DAY 9 a.m. -7 p.m.
- November 19: Latest day for declaration day – official results
- December 1-7: Oath of office
- December 7: Take office

There was a request from a resident regarding a debate/meeting opportunity. Municipal Affairs suggested this is not necessarily the role of municipality; but that another organization, such as the hall, or Women's Institute or even an individual could organize an event. They suggested the MEO should not be involved, and that there should be an equal opportunity for all candidates to participate.

- e. **Charlottetown Sludge** – A meeting was arranged between the Campbell family and Charlottetown Mayoral Candidate Philip Brown. A letter of concern from the Municipality was sent to Mayor Lee and copied to Morley Foy, Richard MacEwen and the Chair of the Water and Sewer Utility. No responses have been received.
- f. **TD tree planting** – Mayor Parker attended the tree planting in September at the wellfield site and reported it seemed quite successful.
- g. **Capitalization Policy** – The following draft capitalization policy was reviewed by auditor Michelle Burge.

## **Rural Municipality of Miltonvale Park Capitalization Policy -DRAFT**

1. The purpose of this policy is to establish rules and guidelines for the capitalization of long-term capital assets including land, site improvements, buildings, furniture and equipment.

2. Purchased capital assets are recorded at cost. Contributed capital assets are recorded at fair market value.
3. Capital assets are depreciated on a straight-line basis as follows:
 

Site Improvements	10 years
Buildings	10 years
Equipment & Furnishings	5 years
Computer Equipment	3 years
4. Capital Assets are depreciated at 50% of regular rate in the year of acquisition. Capital assets under construction are not recognized until available for use.
5. Restricted Capital grants are recognized in the year the related capital asset(s) is available for use.
6. Assets valued at less than \$500 are expensed in the year of purchase. Groups of associated assets are capitalized if the total value exceeds \$500.
7. Cost in accordance with section 2 above, is the gross amount of consideration given to acquire, construct, develop, or better a tangible capital asset, including all costs directly attributable to the acquisition, construction, development, or betterment of the tangible capital asset including costs to install the asset at its final location in the condition required for its use.
8. Cost, in accordance with section 2 above, does not include taxes paid in regard to the asset that are recoverable through other levels of government by the Rural Municipality.
9. This policy is subject to any change in Public Sector Accounting Standards pertaining to Tangible Capital Assets and the direction of the Rural Municipality Auditors as may be necessary from time to time.

Motion 2018:101 - Moved by Councillor Philip Hooper, seconded by Councillor Denise MacDonald-Vail **that the Capitalization Policy be approved as circulated.** Motion carried, 5-0.

## 7. CORRESPONDENCE

- a. **Infrastructure Secretariat** -The Infrastructure Secretariat wants confirmation of spreadsheet of Gas Tax funds. Our records show \$113,130 was received to the end of 2017, with \$30,354 to receive in 2018-19 and \$583 spent.
- b. **Investing in Canada Infrastructure Program” (ICIP)** - The Infrastructure Secretariat notified the municipality of the new funding agreement which funds Public Transit; Community, Culture and Recreation; Rural and Northern Communities; and Green Infrastructure (Climate Change Mitigation, Adaptation, Resilience and Disaster Mitigation, and Environmental Quality which includes water and wastewater). The Province is accepting Expressions of Interest (EOI) for Projects that start before Dec 31, 2021. The deadline to submit EOIs is 4 p.m. on December 15, 2018. Council reviewed Miltonvale Park’s March 2015 Capital Investment Plan. Internet, particularly for the Crabbe Road and Old Rte 2 area, was suggested as the next priority.
- c. **North Milton WI** submitted a request for their annual \$200 donation. This year they plan to do improvements to the Seniors Room at the Milton Hall.

Motion 2018:102 - Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Sheila Curtis **that a donation of \$200 be approved for the North Milton WI, according to the terms of the Donation and Gift Policy.** Motion carried, 5-0.

- d. **Land Use Planning and Green Initiatives** – Municipal representatives are invited to presentations on October 22, 5:30pm-6:30 at the Rural Action Centre in Central Bedeque. Janice Harper, Senior Provincial Planner will give a progress snapshot on PEI Land Use Planning and Ann Worth, Worth Consulting Group will share highlights from the New England Governors and Eastern Canadian Premiers Conference, including the future of electric and autonomous vehicles, energy storage and transmission, and renewable energy. The Mayor may attend.
- e. **FPEIM** circulated information about the elimination of the 1/3 Municipal Officers Tax Free Expense Allowance. FCM released a guide today outlining options (increase allowance to keep net income the same or almost same after-tax, increase eligible expense allowance, do nothing). It was noted that mileage travelled to “work” is technically not an eligible expense.
- f. A **THANK YOU** phone message was received from William Zahavich regarding the recent paving of Miller Drive.

## 8. REPORTS

### i. Environment and Community Living

- a. **Watershed Update** – Councillor Cosh-MacKenzie attended the Cornwall and Area Watershed Group (CAWG) meeting on October 10, 2018. Observation platforms are now competed at Hyde Park. The Town of Cornwall is hosting trail walks in October and November. REDD Surveying will take place in the North River and Hyde Creek in October and November. UPEI carries out REDD surveys in Coles Brook. They didn't find any salmon in their recent surveying. CAWG applied to the Wildlife Conservation Fund. They received about \$400 more in core funding this year, to approximately \$31,000. They are preparing the budget, and for the Annual General Meeting. The Town of Cornwall requested CAWG beautify and manage their stormwater catchment zones; however, CAWG would prefer a consulting role. The Department of Transportation and Infrastructure Renewal is looking for submissions for public or private stream crossings which may need remediation.
- b. **Communities 13, Inc.** – Councillor Helen Shaw agreed to be the Municipality's representative to the board. Mayor Parker attended their Annual Meeting on October 3. Long-time chair Ron Keefe is stepping down as chair of the board. The APM center is running smoothly and they are not using the Capital Fund as fast as was originally thought; however, there will be some expensive replacements in the future. Ice rental was down, and the staff complement has increased.
- c. **Exercise**–The Monday and Friday seniors fitness classes began on September 24 at 9:00 a.m. Admission is \$3 and attendance has averaged 16.5. Line dancing has about 30 attending on Monday afternoons and will continue beyond the first 8 classes. Yoga starts Wednesday, October 24 at 9 a.m., at a cost of \$4.

d. **Projects**

**PEI Senior Secretariat Grant** -The Municipality was approved for the Cyber Seniors internet training project. Andy Gallant might be interested in teaching. The contract has not yet been received. The Milton Community Hall was also approved for "Meals and Spiels."

- e. **Park** –The fire extinguisher needs to be returned and the weeds on the trail should be sprayed. Kevin MacLeod is fixing the siding and window covering this week. The paper towel holder needs to be replaced in outside washroom. There is still an issue with the loitering woman in the black car. The park will soon be winterized and will be closed before Halloween. The camera angle could be adjusted for a better view of the parking lot.
- f. **Signs** – The community signs still need to be fixed with blue vinyl tape to be obtained from Fast Signs.
- g. **Halloween** – The Halloween party will be held at the Milton Community Hall from 1:30-3:30 Saturday, October 27. Councillor Cosh-MacKenzie will assist, as will Councillor MacDonald-Vail, if it is possible for her that day. Bluefield students will be invited to help for the Community Service Bursary program.

ii **Emergency Measures** – There was no report.

iii **Finance/Payment of Accounts**

- a. **Remittance** –The remittance was paid for September.
- b. **Reports and Payment of Accounts** – The financial statements for September 2018 were reviewed. Income in September was \$23,191, expenses were \$27,055, for a net loss of \$3,864. Year-to-date income is \$183,702, with expenses of \$166,105, for a net income of \$17,596. Current assets are \$417,559, with capital assets of \$96,719, or total assets of \$514,278. Current liabilities are \$127,259 and include the Gas Tax allotment.

Motion 2018:103 - Moved by Councillor Philip Hooper, seconded by Councillor Sheila Curtis **that the financial statement for September 2018 be approved as presented.** Motion carried, 5-0.

- c. **Capitalization Policy** –The draft capitalization policy was approved earlier in the meeting.

v **Planning Board** –

a. **Permits Issued Since Last Meeting**

**Permit 2018-13** was issued on 09-24-2018 at 84 Old Route 2 Road, Springvale on parcel 0281055 for Commercial use (sewing business) in a dwelling.

**Permit 2017-22** was extended on 10-01-2018 at n/a Tinney Road on parcel 1035435 to delay the expiry date of a single detached dwelling permit by 12 months.

- b. **Application #MP-0914 & MP-0934— PID 283085** -A development permit to place fill was issued by IRAC on May 2, 2018. Registered letters outlining multiple violations were sent June 26, July 9, August 8 and 27, and September 10, 2018. One letter was returned, due to an incorrect address, and resent on September 24, 2018. No response has been received from the letters. There has been another significant increase in activity recently.
- c. **Application No. MP-1010 - Parcel 1063841**-Council approved the application for a greenhouse, subject to conditions including a development agreement, in May. The draft agreement for the greenhouse had been forwarded to the parties. In July, Planning Board requested that the applicant provide a copy of the building plans for the greenhouse showing the proposed location fans and motors and the lighting system and strength. The plans were received October 15-16 and are being evaluated.
- d. **Application No. MP-1042- PID 0281709** -The previous owners had applied to change the use of a lot from single detached dwelling to duplex; however, the new owners (Walsh/Kelly) recently confirmed in writing that they intend to use the dwelling as a single-family dwelling; therefore, a change in use is not required.
- e. **Application No. MP-1040 — PID 283242** - The applicants filed an application to locate a storage unit, which had already been installed on their parcel at the intersection of Route 2 and the Lower Malpeque Road. Compliance with the Architects Act, lot coverage, and intensification of a non-conforming use may be issues. The Planner suggests Council does not have authority to approve the application. The applicants intend to proceed with a survey.
- f. **Parcel No. 281626**- The property, which has 3-4 dwelling units, was sold on May 15, 2018. The new owners were notified of the permitted uses and are considering subdividing a lot containing the dwelling from the remainder, to improve compliance. Although the paved driveway to the barn with the dwelling unit does not have safe sight distance, there is safe sight distance further north. The owners are considering their options.
- g. **Property No. 283267 – 17033 Route 2, Milton Station** -Early in 2018, a chain link fence was erected, and an automobile compound established at 17033 Route 2, Milton Station. The owners filed an incomplete application for the fence. On April 16, 2018, the Development Officer requested additional information to process the application for the fence and offered the applicants several opportunities to file an application for a “home occupation.” The owners’ counsel responded July 19 that they believe they are not in contravention of the Development Bylaw. The Development Officer reviewed the history and uses of the property and forwarded a report to legal counsel to prepare a response.
- h. **Application No. MPS-292 – Property 281444** – An incomplete application was filed to subdivide the parcel on the Crabbe Road into four lots. Five lots have already been subdivided from the parcel, so further subdivision is not permitted according to the bylaws. A survey plan and storm water management plan were

not submitted. Preliminary comments were requested from the appropriate departments and planner Hope Parnham; however, the Applicants recently withdrew the application and requested a refund of the \$550.00 application fee. The application was presented “For Information Purposes Only” to both Planning Board and Council. Costs incurred by the planner and Development Officer were approximately \$175.25. The completed application was not received; therefore; there may be flexibility in the refund mandated by the Fees Schedule, which states that “*A processing fee shall be retained for permits or approvals where staff, Planning Board or Council have carried out work on the application. The minimum processing fee of \$25 and with a maximum refund to be 25% of the fee paid where staff, Planning Board, or Council have acted on an application and the application was withdrawn, abandoned or otherwise discontinued. The amount of any processing fee shall be determined by Council.*”

Motion 2018:104 - Moved by Councillor Philip Hooper, seconded by Councillor Helen Shaw that **Council authorize a refund in the amount of \$349.75 to the applicant Leo Gallant, for Application MPS-292. This amount could be refunded, applied towards a future development application or the application could be held in abeyance for up to one year.** Motion carried.

**i. Official Plan & Development Bylaw Review**

Planner Hope Parnham suggested amending the Development Bylaw as a more appropriate method of dealing with issues around accessory buildings and storage, similar to those in Application No. MP-1050. There is a list of other changes that could be considered:

1. SS 3.3—No need to specify “Council”;
2. SS 3.5—Review requirements for a surface drainage plan;
3. SS 3.10—Specify what is eligible for a variance;
4. SS 4.3—Review limitations for an accessory apartment;
5. Subclause 4.4.6.ii—Should 1,200 square feet be 1,000 square feet?
6. SS 4.4—Consider relaxing accessory building limitations on parcels that have an accessory apartment (Hope Parnham has prepared a draft for consideration);
7. 15-foot visual barrier between residential and agricultural uses may be excessive;
8. SS 6.2—Consider adding mini homes to the Permitted Uses in the RS1 Zone;
9. SS.63—20,000 square foot lot area for a serviced lot in the RS1 Zone seems excessively large;
10. SS14.12—Requiring a preliminary plan and storm water management plan to be filed with an application is too burdensome in cases where it is obvious that Council cannot approve an application (e.g. a parcel is not an existing parcel in the A1 Zone or has had all of the lots permitted already subdivided);
11. Clause 14.12.8—Similar to SS 3.3, there is no need to be so specific;
12. Appendix 4—Review the Fees Regulations.
13. Rezoning the two recently subdivided lots (A1) at the corner of Sleepy Hollow and Royalty Road to RS1.
14. Revision of names “Rural Municipality”

15. 4.3.v The accessory apartment shall not be larger than 25% of the floor area devoted to the use of the main building. It was suggested this may be too small; there was also a request to clarify definitions (i.e. is a garage included in floor area?).
16. Concerns were expressed with the maximum of 150 days for seasonal/ temporary structures. For instance, a resident's tarp barn stores both snow clearing and grass cutting equipment, so is needed year-round. As well a metal gazebo is erected year round).
17. Cannabis -FCM has a booklet that notes legalization may have an impact on land use planning, which perhaps should be considered.

- j. **Other Applications and Inquiries** -The Development Officer is following up on private storage built without a permit in Meadowvale Community, and has received several inquiries regarding parcel 611269, on the Lower Malpeque Road.

vi. **Report from Staff**

The CAO is planning to attend the AMA-PEI conference in Milton on November 1. The Development Officer may also attend the session by the Architect's Association. Recent efforts have been to organize and promote the election, develop bylaws, prepare and circulate a fall newsletter. Organizing the Halloween party and continuing to organize the election will be the next focus. There were several resident issues dealt with today: A dead cat has been on the side of the Rustico Road, and the resident called Transportation. The CAO also contacted Transportation on behalf of the resident at 17313 Rte 2 who was concerned about the safety of an old tree on the highway right-of-way. He had already contacted Transportation, Eastlink and Bell, without satisfaction.

A resident in Meadowvale Park was concerned about lot lines in the mini-home park and felt the owners didn't respond adequately. It was suggested the municipality send the park owner a letter notifying that the Municipality had been contacted but does not have Meadowvale lot lines on file and urging them to clarify lot lines for their tenants.

9. **BUSINESS**

- a. **Bylaws** – There is not yet a sample Access to Information and Protection of Privacy Bylaw, as the regulations are still being drafted. Municipal Affairs expects the time line to adopt certain bylaws to be extended

- i. **Bylaws 2018-08 - Procedural Bylaw**

Motion 2018:105 - Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Helen Shaw whereas the Municipal Government Act requires a Council to establish a bylaw to regulate its proceedings in accordance with the Act, **be it resolved that the Bylaw 2018-08 - Procedural Bylaw be hereby read a first time.** Motion carried, 5-0. Schedule A is attached

Motion 2018:106 - Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Helen Shaw whereas the Municipal Government Act requires a Council to establish a bylaw to regulate its proceedings in accordance with the Act, and whereas Bylaw 2018-08



Procedural Bylaw was read a first time at this Council meeting; **be it resolved that Bylaw 2018-08 - Procedural Bylaw be hereby approved.** Motion carried, 5-0.

**ii. Bylaw 2018-09 - Code of Conduct Bylaw**

Motion 2018:107 - Moved by Councillor Denise MacDonald-Vail, seconded by Councillor Tamsyn Cosh-MacKenzie whereas the Municipal Government Act requires a Council to establish a bylaw to set minimum expectations for the behaviour of members of Council in carrying out their functions and making decisions that benefit the Municipality, **be it resolved that the Bylaw 2018-09 - Code of Conduct Bylaw be hereby read a first time.** Motion carried, 5-0. Schedule B is attached.

Motion 2018:108 - Moved by Councillor Denise MacDonald-Vail, seconded by Councillor Tamsyn Cosh-MacKenzie whereas the Municipal Government Act requires a Council to establish a bylaw to set minimum expectations for the behaviour of members of Council in carrying out their functions and making decisions that benefit the Municipality, and whereas Bylaw 2018-09 Code of Conduct Bylaw was read a first time at this Council meeting; **be it resolved that the Bylaw 2018-09 - Code of Conduct Bylaw be hereby approved.** Motion carried, 5-0.

**iii. Bylaw 2018-10 - Conflict of Interest Bylaw**

Motion 2018:109 – Moved by Councillor Sheila Curtis, seconded by Councillor Philip Hooper whereas the Municipal Government Act 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, **be it resolved that the Bylaw 2018-10 - Conflict of Interest Bylaw be hereby read a first time.** Motion carried, 5-0. Schedule C is attached.

Motion 2018:110 - Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Helen Shaw whereas the Municipal Government Act 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, and whereas Bylaws 2018-08 Conflict of Interest was read a first time at this Council meeting; **be it resolved that the Bylaw 2018-10 Conflict of Interest bylaw be hereby approved.** Motion carried, 5-0.

b. **Council Appreciation** – Council appreciation night will be scheduled for a Friday evening at the Feast Dinner Theatre for the incoming and outgoing Council, committee members, staff and one guest each.

**c. Opportunities**

- i. **Garago** –A local company in Stratford is interested in having Miltonvale Park participate in a pilot project online options for records management /systems/record keeping/payments/access to information/procurement. They will provide more information in the near future.
- ii. **Code RED** -A company involved in citizen engagement, EMO warnings, database management and message delivery contacted the municipality.

- iii. **Foundation Search** – This company offered a complimentary funding assessment and free copy of deadlines and information for funding programs and foundations.
- iv. **Rotary Funding** – Non-profits are invited to apply for funding to address seniors and youth issues

#### 10. NEXT MEETING DATE

The next Council meeting is scheduled for Wednesday, November 21, 2018 at 7:30 p.m. Councillor Curtis expressed her regrets for the November meeting.

#### 11. ADJOURNMENT

Motion 2018:111 – Moved by Councillor Denise MacDonald-Vail that **the meeting be adjourned**. Mayor Parker declared it so at 9:20 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Date approved

**SCHEDULE A**  
**Rural Municipality of Miltonvale Park**  
**Bylaw to Regulate the Proceedings of Council**  
**Bylaw # 2018-08**

**BE IT ENACTED** by the Council of the Rural Municipality of Miltonvale Park as follows:

**PART I – INTERPRETATION AND APPLICATION**

**1. Title**

1.1. This Bylaw shall be known as and may be cited as the “Procedural Bylaw”.

**2. Authority**

2.1. Subsection 86(2)(e) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., provides that a council must establish a procedural bylaw to regulate its proceedings in accordance with the Act.

**3. Application**

3.1. This bylaw applies to all members of Council, the Chief Administrative Officer (CAO), members of Council Committees, Municipal employees, those who appear before Council and members of the general public.

3.2. When any matter relating to proceedings arise which is not covered by a provision of this bylaw or the Act, the matter shall be decided by reference to Robert’s Rules of Order.

3.3. In the event of any conflict between the provisions of the Act and this bylaw, the Act will prevail.

**4. Definitions**

4.1. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.

4.2. “Council” means the Mayor and other members of the Council of the municipality.

4.3. “Councillor” means a member of Council other than the Mayor.

4.4. “Municipality” means the Rural Municipality of Miltonvale Park.

4.5. “Point of information” means the procedural mechanism by which a member may present or receive information of interest to Council.

4.6. “Point of order” means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed.

4.7. “Point of privilege” means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the Council, councillors, or employees of the municipality.

4.8. “Quorum” is a majority of all the members of council or a council committee. Vacancies are not counted in determining quorum except where the remaining number of council members is not less than four.

- 4.9. "Regulations" means the regulations adopted by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

## **PART II – MEETINGS OF COUNCIL**

### **5. First Meeting**

- 5.1. A newly elected Council shall not transact any business until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.
- 5.2. At the first meeting of Council following a general election, Council shall:
- (a) establish by resolution a schedule of meeting dates for the next 12 months, providing for no fewer than 6 council meetings open to the public in accordance with 110(3) of the *Municipal Government Act*; and
  - (b) appoint Council members to council committees in accordance with the regulations and this bylaw.

### **6. Scheduling of Meetings**

- 6.1. Prior to the beginning of each calendar year, council shall, by resolution, establish a schedule of regular meetings for the year.
- 6.2. The CAO will ensure that the schedule of regular meetings is published in accordance with subsection 110 (3) and (4) of the Act, the requirements of the regulations, and subsection 7.2 below.
- 6.3. If a regularly scheduled meeting of Council falls on a day that is a Statutory Holiday, the regular Council meeting will be held the same day on the following week unless rescheduled to another day or cancelled by resolution of Council.
- 6.4. A regular meeting of Council may be rescheduled:
- (a) by resolution of Council;
  - (b) in accordance with this bylaw; or
  - (c) by the CAO if it is apparent that quorum will not be achievable.
- 6.5. Council may, by resolution, establish a time limit for any meeting and may extend the time limit for any regular Council meeting with a unanimous vote in favour of the motion to extend the meeting.

### **7. Notice of Meetings**

- 7.1. Notice of regularly scheduled Council meetings will be included in an annual schedule of meetings.
- 7.2. As per section 110(3) of the Act and section 2 of the procedural bylaw regulations, Council shall post the annual schedule of Council meetings, including the date, time, and place of each meeting:
- (a) on the municipal website
  - (b) on a poster at the municipal office.

- 7.3. If Council changes the date, place or time of a regular or special meeting, the CAO must give at least 24 hours' notice of the change to the public through a notice on the municipal website and on a poster at the municipal office.
- 7.4. If Council changes the date, place or time of a regular or special meeting, the CAO must give at least 24 hours' notice of the change to all members of Council by providing a copy of the notice to each Council member at the place to which the member has directed such notices be sent.
- 7.5. The notice shall specify the type of meeting and the actual or revised date, place and time of the meeting.
- 7.6. Notice of a change in date, time or place of a regularly scheduled meeting must be provided at least 24 hours in advance of the meeting to any councillors not present at the meeting at which the change was made and to the public.
- 7.7. Notice of special meetings must be provided at least 24 hours in advance of the meeting to all members of Council and the public.
- 7.8. Notice of a meeting or hearing must be given at least seven days before the Council meeting or public hearing, as the case may be, at which any of the following matters is to be considered:
  - (a) a proposal by Council to transfer land below fair market value (subsection 143(1) of the Act);
  - (b) a local improvement to which one or more objections were made to the CAO within 30 days of receipt of notice thereof (section 203 of the Act); or
  - (c) a permanent street closure (subsection 213(3) of the Act).
- 7.9. Any other forms of notice required by Council or a bylaw shall be given in accordance with this bylaw.

## **8. Special Meetings**

- 8.1. Pursuant to section 121 of the Act, a special meeting of Council will be called by the CAO when requested in writing by:
  - (a) the Mayor; or
  - (b) a majority of the councillors.
- 8.2. The request for a special meeting shall include a statement of the purpose of the meeting.
- 8.3. A special meeting of Council shall be held at:
  - (a) the first available date where quorum can be achieved; or
  - (b) no later than 21 days after the date that the CAO receives the request.
- 8.4. Pursuant to subsection 121(4) of the Act, no business other than the business that Council has stated in the meeting notice will be transacted at a special meeting unless all members are present and unanimously agree to deal with other matters.

## **9. Closed Meetings**

- 9.1. Council or a Council committee may, by resolution passed at a public meeting of the Council or committee, hold a meeting that is closed to the public when the subject matter of the meeting is considered confidential in accordance with section 119(1) of the *Municipal Government Act*.
- 9.2. Council may, by resolution, establish a regular schedule of standing closed meetings, and notice of the schedule of closed meeting shall be provided through a sign posted in a prominent location available to the public.
- 9.3. No resolution or bylaw will be passed during a meeting closed to the public other than by resolution set out in section 119(2) of the *Municipal Government Act*.
- 9.4. A resolution to close a meeting to the public must state the reason(s) for closing the meeting, in accordance with section 119(3) of the *Municipal Government Act*.
- 9.5. The Council or committee will make any matter considered at a closed meeting public, when confidentiality is no longer required, in accordance with subsection 119(4) of the Act.
- 9.6. No Council member, Council committee member or employee of a municipality shall, subject to subsection 119(5) of the Act, disclose or act on any information acquired at a closed meeting of Council or a Council committee respecting a matter or report disclosed or discussed at the meeting, prior to the matter or report being dealt with at an open meeting of Council or the Council committee.

#### **10. Electronic Participation in Meetings**

- 10.1. Pursuant to subsection 122(4) of the Act, a Council or Council committee member who is unable to attend a meeting of Council or the Council committee in person may participate in the meeting by telephone or by electronic means.
- 10.2. A Council or Council committee member may only participate by telephone or by electronic means if the Council or Council committee members are able to hear and speak to each other.
- 10.3. Where a Council or Council committee member is participating in a meeting conducted by electronic means or is participating by telephone or electronic means and there is a report or recommendation to be considered in respect of a matter before the Council or Council committee, the Council or Council committee member shall take part in the debate and vote on that matter only if the member has before him or her a copy of the report or recommendation to be considered, in accordance with subsection 122(6) of the Act.
- 10.4. Pursuant to subsection 122(4) of the Act, Council members participating by telephone or electronic means are considered to be present at the meeting.

#### **11. Electronic Participation in Closed Meetings**

- 11.1. The chair of council or a council committee meeting shall require every council or council committee member participating by telephone or electronic means to confirm that there is no one else present in their location who is able to hear the discussion during the closed meeting.

### **PART III – COUNCIL MEETING PROCEDURES**

#### **12. General**

- 12.1. The Mayor will preside over all Council meetings except where the Act provides otherwise, and shall perform the duties enumerated in section 89 of the Act, including preserving order, enforcing rules, deciding points of privilege and order, and advising on points of procedure.
- 12.2. Pursuant to subsection 91(1) of the Act, the deputy Mayor will preside in the Mayor's absence.
- 12.3. The members of Council may appoint an acting Mayor in accordance with subsection 90(4) of the Act, where:
  - (a) the Mayor and deputy Mayor are absent, incapacitated or otherwise unavailable and neither of them has appointed another member of Council to act in his or her stead; or
  - (b) the offices of Mayor and deputy Mayor are vacant.
- 12.4. Pursuant to subsection 91(5), the term of an acting Mayor continues only until the Mayor or deputy Mayor is no longer absent, incapacitated or otherwise unavailable and only until a new Mayor is declared elected, unless the appointment is revoked earlier by the Council.

### **13. Agendas**

- 13.1. The agenda for each regular and special meetings of Council shall be prepared by the CAO or his or her designate.
- 13.2. The agenda for each regular meeting, along with pertinent correspondence, statements and reports, must be sent to each member of Council by electronic means (or by means requested by the member) no later than 2 days prior to the meeting unless that day is a statutory holiday. If so, the agenda and accompanying documents must be delivered to Council member no later than 2 days prior to the statutory holiday.
- 13.3. The deadline for receipt of agenda materials for a regular meeting by the CAO is one week preceding the meeting.
- 13.4. The CAO shall have prepared and printed an agenda to be made available to the public. The agenda shall reflect the matters to be considered, under the following headings, referred to as the Order of Business:
  - (a) call to Order;
  - (b) declarations of conflict of interest;
  - (c) approval of Agenda;
  - (d) adoption of Minutes;
  - (e) business Arising from the Minutes;
  - (f) public Presentations/Petitions/Delegations;
  - (g) reading of correspondence;
  - (h) reports from Standing and ad hoc Committees;
  - (i) report from CAO;
  - (j) recommendations from the Planning Board;
  - (k) introduction of New Business;
  - (l) inquiries by members of Council;
  - (m) introduction and Reading of Bylaws;

- (n) appointments to Committees;
- (o) adjournment;
- (p) any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of Council present at the meeting.

#### **14. Quorum**

- 14.1. A quorum is required at all times for Council meetings, in accordance with 113 of the Act.
- 14.2. A quorum is a majority of all members of the Council.
  - (a) Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.
- 14.3. Pursuant to subsection 113(3), where there is a vacancy on Council, but there are at least four Council members remaining on Council, a quorum will be a majority of the remaining members of Council.
- 14.4. Where the number of Council members is reduced to less than four by reason of vacancies, the Council shall apply to the Minister, in accordance with subsection 113(4) of the Act, to have the remaining Council member or members to be considered to be a quorum until elections are held to fill the vacancies.
- 14.5. If a quorum is not present within fifteen (15) minutes after the time fixed for the meeting, the CAO or delegate shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 14.6. Where the CAO or delegate has confirmed in advance of the meeting that quorum will not be present, the CAO or delegate may provide notice of the cancellation of the meeting to the members of Council and the public in accordance with section 6, identifying the next meeting.

#### **15. Voting**

- 15.1. Voting at meetings of Council shall be undertaken in accordance with section 115 of the Act:
  - (a) each Council member present, except the Mayor, will vote on every matter unless a Council member is excused specifically from voting, by resolution, or the Council member is prohibited from voting because the member has a conflict of interest.
  - (b) no vote of Council will be taken by ballot or any other method of secret voting and any vote taken by any form of secret voting is of no effect.
  - (c) all votes of Council, both for and against, will be recorded.
  - (d) the failure or refusal of a member of Council to vote on a matter that is properly before the Council will be considered a vote in favour except when the member is excused or prohibited from voting.
  - (e) where there are an equal number of votes for and against a bylaw or motion, the Mayor or presiding officer will vote for the purposes of breaking the tie.

#### **16. Presentation and Delegations to Council**



- 16.1. The following will be permitted at meetings of Council at the time so designated on the agenda, in accordance with the provisions of this bylaw:
  - (a) presentations to recognize an individual or group on behalf of Council or for a group or individual to present to Council some award or similar honour;
  - (b) delegations wishing to speak before Council; and
  - (c) presentations of petitions
- 16.2. The time allotted by Council for each person making presentations or giving recognitions will be ten minutes.
- 16.3. Delegations wishing to speak before Council will advise the CAO or his/her designate of their intention to do so by 4:00 p.m. seven days prior to the meeting, and all information to be addressed will be on the form attached as Schedule A to this bylaw, unless a majority of Council members agree to a waiver of this time restriction.
- 16.4. Delegates will be granted a maximum presentation time of twenty minutes to present the matter outlined in the notification unless Council agrees to a waiver of this time restriction by the consent of a majority of Council members present.

## **17. Adjournment**

- 17.1. All regularly scheduled Council meetings shall stand adjourned when the Council has completed all business as listed on the order of business or at 9:30 p.m., whichever is earlier.
- 17.2. If a Council member is speaking at the time the meeting is scheduled to end, the Mayor will wait until that person is done speaking before asking Council to consider whether it wants to extend the time of the meeting.
- 17.3. Any business items that remain on the agenda and which have not been addressed at the time of adjournment will be deemed to be postponed until the next regularly scheduled Council meeting or until a special meeting is called for the purpose of dealing with the unfinished items.

## **18. Conduct during Council meetings**

### **Public**

- 18.1. All persons in the public galley at a Council meeting will:
  - (a) refrain from addressing Council or a member of Council unless permitted to do so
  - (b) maintain quiet and order;
  - (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
  - (d) refrain from talking on electronic mobile devices; and,
  - (e) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

### **Delegations and Council Members**

- 18.2. Delegates and members of Council shall refrain from:

- (a) speaking disrespectfully;
  - (b) using offensive language;
  - (c) reflecting on a vote of Council except when moving to rescind or reconsider it;
  - (d) reflecting on the motives of the members of Council who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
- 18.3. When a member is addressing the Council, all other members will:
- (a) remain quiet and seated;
  - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - (c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.
- 18.4. Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.
- 18.5. Each member or delegate, as the case may be, shall address the Mayor, but shall not speak until recognized by the Mayor.
- 18.6. Members of Council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 18.7. If more than one member wishes to speak at a meeting at the same time, the Mayor will indicate which member will speak first.
- 18.8. The Mayor, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the Mayor.
- 18.9. A motion must be seconded to be discussed.
- 18.10. A motion may be withdrawn at any time before voting subject to no objection from any member.
- 18.11. The following motions are not debatable by members:
- (a) Adjournment
  - (b) To take a recess
  - (c) Question of privilege
  - (d) Point of order
  - (e) To limit debate on a matter before members
  - (f) On division of a question
  - (g) Postpone the matter to a certain time
  - (h) To postpone the matter.

**Improper Conduct**

18.12. The Mayor may request that any person in the public gallery who disturbs the proceedings of Council or acts improperly at a Council meeting leave or be expelled from the meeting.

18.13. If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

### **19. Points of Order, Procedure or Privilege**

19.1. A member of Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the “point” shall be clearly stated by the member and, if applicable, ruled upon by the Mayor.

19.2. A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.

19.3. Where the Mayor is called upon to decide a point of order or practice in accordance with section 111 of the Act, he or she shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable thereto.

#### Appeal of Decision of the Mayor

19.4. Whenever a member wishes to appeal any ruling of the Mayor or a point of order or point of privilege to the whole of Council pursuant to section 112 of the Act:

- (a) the motion of appeal shall be made immediately after the ruling is made by the Mayor or otherwise the ruling will be final;
- (b) the member may offer a brief reason for the challenge; and
- (c) the Mayor may state the reason for the decision he or she made.

19.5. Following the motion of appeal and the response, if any from the Mayor, the question shall be put immediately without debate.

19.6. The Mayor will be governed by the vote of the majority of the members of Council present.

19.7. Neither the Mayor nor the appellant will participate in the vote on an appeal.

### **20. Motions and Debate**

20.1. A motion will express fully and clearly the intent of the mover.

20.2. A motion will not be considered unless it has been seconded.

20.3. Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.

20.4. When a motion is under debate no other motion may be made, except a motion to:

- (a) amend a motion;
- (b) refer a motion to a Council committee or administration for a report back to Council;
- (c) postpone a motion to a fixed date;
- (d) request that a motion be put to a vote;
- (e) extend the time for a Council meeting; or

- (f) adjourn the meeting.
- 20.5. Notwithstanding any other provisions of this bylaw, the member of Council who moved a motion after a motion is under debate may, with the consent of Council, change the wording of the motion or agree to a change proposed by another member if the alteration does not change the intention of the motion.
- 20.6. Any motion will be considered in the order in which they were moved.

## **21. Minutes**

- 21.1. The CAO shall ensure that minutes are kept of all Council meetings and Council committee meetings, both open and closed to the public, in accordance with section 116 of the Act.
- 21.2. The CAO shall ensure that the minutes of meetings record all resolutions, decisions and proceedings of the Council and shall include at minimum:
  - (a) the date and names of all Council or committee members and employees present at the meeting;
  - (b) the subject matter of the issues discussed; and
  - (c) any decisions made.
- 21.3. Where a meeting is closed to the public, the minutes of the meeting that may be disclosed to the public will be restricted to
  - (a) to the date of the meeting;
  - (b) the names of Council members or committee members and employees present; and
  - (c) the type of matter under section 119(1) of the Act that was discussed at the meeting.
- 21.4. Copies of the minutes will be open for inspection by any person during regular office hours and copies of the minutes will be provided to any person, in accordance with subsection 116(3) of the Act, on the payment of a reasonable fee established by the Council under a fees bylaw and attached as a schedule to that bylaw.
- 21.5. Minutes of Council meetings, when approved, shall be signed by the Mayor and the CAO, and minutes of committee meetings, when approved, shall be signed by the chairperson of the committee (subsection 116(4) of the Act).
- 21.6. Any member may make a motion amending the minutes to correct any mistakes. The minutes of each meeting are to be approved at the next regular meeting of the Council and signed by the Mayor, committee chairperson, or other presiding member, and the CAO.

## **PART IV – COMMITTEES OF COUNCIL**

### **22. General**

- 22.1. The Mayor may establish and appoint standing and/or ad hoc committees that will consider, discuss and debate matters of Council interest before such matters are forwarded to Council for decision;
- 22.2. Council may also designate the committees' mandate, term, composition, objectives, tasks, duties and responsibilities, and appoint its members to deal with any matter. Council may also

establish the eligibility criteria for membership and determine the events or circumstances that would result in termination of a committee member.

- 22.3. Council will establish by resolution a Committee of Council that will be the main standing Committee used to discuss and debate matters of Council interest before such matters are forwarded to Council for decision.
- 22.4. Council committees will cease to exist when Council, by resolution, decides that the objectives of the committee have been achieved and tasks have been completed.

### **23. Committee Composition**

- 23.1. The Mayor is a member of every committee or other organization which the Council or Mayor establishes pursuant to the *Municipal Government Act* and when in attendance the Mayor, subject to section 115 of the Act, possesses all the rights, privileges, powers and duties of the other members of the committee.
- 23.2. The Mayor's attendance will not be included for the purpose of determining a quorum for a committee of Council meeting.
- 23.3. Each committee of Council will consist of a minimum of three members. At a minimum, a committee of Council will include two Council members who will hold the positions of Chair and Vice Chair.

### **24. Terms of Committees**

- 24.1. Appointments to committees will be for a four-year term beginning on January 1 and ending on December 31.
- 24.2. In a general election year, the term of appointments will be reduced to coincide with the day of the election.
- 24.3. Appointees may be reappointed from term to term to a maximum of three terms on one (1) particular committee.
- 24.4. A member of any committee, excluding members of Council, will only be appointed to a maximum of two committees at one time.
- 24.5. The CAO will advise Council of any members absent for more than three meetings within a calendar year and request that a warning correspondence be forwarded to the member, as well, if the member misses four meetings, within a calendar year, Council will be advised to decide if the member should be removed from the committee.

### **25. Notice of Committee Meetings**

- 25.1. Where a regular schedule of meetings for a Council committee is established, publication must be in accordance with section 7 of this bylaw.
- 25.2. Where a special meeting of a Council committee is called, the CAO will follow the procedures for calling a special meeting set out in section 8 of this bylaw and ensure that notice of the special meeting is given in accordance with section 7 of this bylaw.

- 25.3. Where the date, time or place of a committee meeting is changed, the CAO shall ensure that at least 24 hours' notice of the change is given in accordance with section 7 of this bylaw.
- (a) to any committee member not present at the meeting at which the change was made, and
  - (b) to the public in accordance with the notification means set out in this bylaw.
- 25.4. Notice to the public of a regularly scheduled meeting or a special meeting of a Council committee must be published by electronic means and posted in the form of a sign or poster in a place that is accessible to the general public.

## **26. Committee Procedures**

- 26.1. Each Council committee will meet as soon as possible after it has been appointed and where a Chair has not been appointed by Council, members of that committee will select a Chair and Vice-Chair, and if required, decide the day and time for holding its regular meetings.
- 26.2. The Chair will preside at every meeting, participate in the debate and shall vote on all motions.
- 26.3. In the absence of the Chair, the Vice-Chair will preside, and in the absence of both the Chair and the Vice-Chair, one (1) of the other members of the committee will be elected to preside and will discharge the duties of the chair during the meeting or until the arrival of the Chair or Vice-Chair.
- 26.4. The business intended to be addressed at committee meetings will be stated in the meeting agenda.
- 26.5. An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of Council.
- 26.6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
- 26.7. If a quorum is not present within fifteen (15) minutes after the time fixed for a committee meeting, the Chair or CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 26.8. Only members of the committee may participate in, debate or ask questions at a standing committee or ad hoc committee meeting except in accordance with section 28 of this bylaw.
- 26.9. An act or proceeding of a committee is not effective unless it is approved and adopted by a resolution at a duly constituted public meeting of Council.

## **27. Delegations to committees**

- 27.1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later than seven days prior to the meeting.
- 27.2. Delegations will be limited to a maximum presentation time of twenty minutes, unless Council agrees to a waiver of this time restriction by the consent of a majority of all Council members present, and each delegate may speak only once.

## **28. Request for Decision from Council**

- 28.1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than seven days prior to the meeting.

## **PART V – BYLAWS**

### **29. Bylaw Procedures**

- 29.1. Council may make, amend or repeal a bylaw in accordance with the procedures established in Part 5, Division 2 of the Municipal Government Act.
- 29.2. A bylaw is only validly made by Council if it is read and formally approved by a majority of the Council members present and voting takes place on two occasions at meetings of the Council that are held on different days.
- 29.3. A bylaw may be approved and adopted by Council by resolution after being read a second time.
- 29.4. Pursuant to section 125 of the Act, if copies of the proposed bylaw have been made available to the public at a Council meeting or prior to the meeting in which the proposed bylaw is to be read, the reading may consist of the recitation of the bylaw name and number and a brief description of its effect. Where copies of the proposed bylaw have not been made available to the public at or prior to the meeting, the entire proposed bylaw will be read word by word.
- 29.5. A bylaw adopted by Council must be printed, signed by the Mayor and the CAO, and sealed with the corporate seal of the Municipality.
- 29.6. Council may, in accordance with subsection 125(3) of the Act, amend a proposed bylaw after its first reading. If it is amended, the amendment will be read word by word at the meeting even if copies of the bylaw with the proposed amendment are made available to the public.
- 29.7. Pursuant to section 127 of the Act, the first and second readings of a proposed bylaw are rendered null if the bylaw is not passed within two years from the date of first reading.
- 29.8. A bylaw established by Council will come into force at the time it is passed unless otherwise provided for in the Act or in the bylaw. If the Act or another Act requires a bylaw to be approved by the Minister, the bylaw will not come into force until the approval of the Minister is given.
- 29.9. The CAO shall ensure that a copy of every bylaw passed is filed with the Minister within 21 days of adoption or as required by provincial statute. The copy will be certified by the CAO as being “a true copy of the original seen by me” on the document, and shall be signed, dated, and printed with the CAO’s name under their signature, as well as their occupation, address and telephone number.
- 29.10. Council will make copies of all bylaws available for inspection by any person, in accordance with section 128 of the Act. Council will provide any person with a copy of any bylaw for the fee set out and attached as a schedule to the fees bylaw.
- 29.11. Planning bylaws undertaken under the authority of the *Planning Act* shall be made in accordance with section 19 of that act.

**30. Repeal of Existing Bylaw**

31.1 On adoption, this bylaw replaces Procedural Bylaw 2014-01.

**31. Effective Date**

31.1. This Procedural Bylaw, Bylaw# 2018-08, shall be effective on the date of approval and adoption below.

31.2. First Reading:

This Procedural Bylaw, Bylaw# 2018-08, was read a first time at the Council meeting held on the 17th day of October, 2018.

This Procedural Bylaw, Bylaw# 2018-08, was approved by a majority of Council members present at the Council meeting held on the 17th day of October, 2018.

**Second Reading:**

This Procedural Bylaw, Bylaw# 2018-08, was read a second time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

This Procedural Bylaw, Bylaw# 2018-08, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Approval and Adoption by Council:**

This Procedural Bylaw, Bylaw# 2018-18, was adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Signatures**

\_\_\_\_\_  
**Mayor** (signature sealed)

\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

This Procedural Bylaw -Bylaw 2018-08 adopted by the Council of the Rural Municipality of Miltonvale Park on \_\_\_(date)\_\_\_\_\_ is certified to be a true copy.

\_\_\_\_\_  
**Chief Administrative Officer Signature**

\_\_\_\_\_  
**Date**



<b>Date:</b>	<b>Request No:</b> <i>(Office Use Only)</i>
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<b>Person:</b>	<b>Representing:</b>
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<b>Background:</b>
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<b>Request:</b>
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<b>Advantages</b>	<b>Disadvantages</b>
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<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	
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**SCHEDULE B**  
**Rural Municipality of Miltonvale Park**  
**Bylaw to Provide for a Code of Conduct for Members of Council**  
**Bylaw # 2018-09**

**BE IT ENACTED** by the Council of the Rural Municipality of Miltonvale Park as follows:

**PART I – INTERPRETATION AND APPLICATION**

**1. Title**

- 1.1. This bylaw shall be known and cited as the “Code of Conduct Bylaw.”

**2. Purpose**

- 2.1. The purpose of this bylaw is to set minimum expectations for the behaviour of members of Council in carrying out their functions and making decisions that benefit the Municipality.

**3. Authority**

- 3.1. Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., provides that a Council must establish a Code of Conduct bylaw to govern the conduct of members of Council.

**4. Application**

- 4.1. This bylaw applies to the Mayor and all members of Council. It operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:
- (a) the *Municipal Government Act*
  - (b) the *Criminal Code of Canada*
- 4.2. This Code of Conduct is to operate in addition to other bylaws, policies and administrative directives as may be determined by Council.

**5. Definitions**

- 5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in that Act.
- 5.2. In this bylaw,
- (a) “Act” means the *Municipal Government Act*.
  - (b) “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*.
  - (c) “Confidential Information” means information that could reasonably harm the interests of individuals or organizations, including the municipality if disclosed to persons who are not authorized to access the information. This type of information includes, but is not limited to, privileged information, personal information, third

party information, technical, financial or scientific information and any other information collected, obtained or derived for or from municipal records that must or may be kept confidential.

- (d) "Council" means the Mayor and other members of the Council of a municipality.
- (e) "Councillor" means a member of Council other than the Mayor.
- (f) "Family Member" means in relation to a person, a 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 of the person;
- (g) "Municipality" means the Rural Municipality of Miltonvale Park;
- (h) "Person Closely Connected", in relation to a member, means a family member, an agent, a business partner or an employer of the member;
- (i) "Staff" includes the Chief Administrative Officer (CAO) and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

## **6. Interpretation**

- 6.1. This bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation and the definitions set out in it.

## **7. Periodic Review**

- 7.1. The Code of Conduct will be brought forward for review at the end of each term of Council or when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

## **PART II – PRINCIPLES**

### **8. Guiding Principles**

- 8.1. Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 8.2. Members of Council are expected to act lawfully. They are expected to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests as a result of the member holding municipal office.
- 8.3. Members of Council have a duty to make decisions based on the best interests of the municipality as a whole.
- 8.4. Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny.
- 8.5. Members of Council must act responsibly within the law and within the authority of the Act. All members of Council must observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest.

- 8.6. Members of Council must demonstrate and promote the principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in municipal government.
- 8.7. Members of Council must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in municipal government decision making.
- 8.8. Members of Council have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered, encouraging appropriate public participation, communicating clearly and providing appropriate means for recourse and feedback.

### **PART III – CONDUCT OF COUNCIL**

#### **9. General Conduct**

- 9.1. Members of Council must adhere to the following principles and provisions:
  - (a) members of Council must serve, and be seen to serve, their constituents in a conscientious and diligent manner;
  - (b) members of Council must be committed to performing their functions with integrity and to avoiding conflicts of interest and the improper use of the influence of their office;
  - (c) members of Council must not extend, in the discharge of their official duties, preferential treatment to persons closely connected to the member or organizations and groups in which the member or persons closely connected to the member have a direct or indirect pecuniary interest;
  - (d) members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
  - (e) members of Council must seek to serve the public interest by upholding both the letter of the law and the spirit of applicable federal, provincial and municipal laws;
  - (f) members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful;
  - (g) members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, staff and advisory body members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; and
  - (h) members of Council will respect the role of staff in the administration of the business affairs of the municipality.

#### **10. Confidential Information**

- 10.1. Members of Council must respect rules regarding confidentiality, disclosure and access to all personal information in the control of the Municipality pursuant to the *Protection of Personal Information* Bylaw.
- 10.2. No Member of Council will disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.
- 10.3. No Member of Council will use confidential information for personal or private gain or for the gain any other person or entity.
- 10.4. Members of Council should not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations and Council policy.
- 10.5. Council shall keep confidential information that falls into the following or similar categories:
  - (a) commercial information which, if disclosed, would likely be prejudicial to the municipality or parties involved;
  - (b) information received in confidence which, if disclosed, would likely be prejudicial to the municipality or parties involved;
  - (c) personal information, other than a person's address, that is protected under the *Municipal Government Act*; and
  - (d) human resource matters.

## **11. Public Disclosure Statements**

- 11.1. Each member of Council is required to file a Council Member Disclosure Statement with the CAO within thirty (30) days of being elected.
- 11.2. The Disclosure Statement will identify:
  - (a) the name and nature of employment;
  - (b) financial interests;
  - (c) other involvement that may be seen to affect fairness in making a municipal decision.
- 11.3. Public Disclosure Statement will not include specific details about a member of Council's personal financial matters such as salary, the value of holdings or other specific personal financial information.
- 11.4. Each Council member is required to declare any subsequent changes to employment, financial interests or other involvements. The CAO shall make amendments to the Council member's Disclosure Statement, including a notation stating the date on which the statement is amended.

## **12. Gifts and Benefits**

- 12.1. No member of Council shall 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, except for the following:
  - (a) compensation authorized under the Council and Remuneration and Compensation Bylaw;
  - (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - (c) a suitable memento of a function honouring the member of Council;
  - (d) food, lodging, transportation and entertainment provided by another government or by a conference, seminar or event organizer where the member of Council is either speaking or attending in an official capacity at an official event;
  - (e) food and beverages consumed at banquets, receptions or similar events;
  - (f) communication to the offices of a member of Council, including subscriptions to newspapers, and periodicals; and
  - (g) sponsorships and donations for community events organized or run by a member of Council or by a third party on behalf of a member of Council.
- 12.2 No member of Council shall accept the use of property or facilities, such as a vehicle, office or vacation property, at less than fair market value.
- 12.3 No member of Council shall sell property, goods and services to the municipality at higher than fair market value.
- 12.3 A fee or advance paid, or a gift or benefit provided, with the Member's knowledge, to a person closely connected to a member is deemed to be a gift to the Member of Council.

### **13. Use of Municipal Property, Equipment and Services**

- 13.1. No member of Council shall use, or request the use of, any municipal property, including surplus material or equipment for personal convenience or profit, unless the property is:
  - (a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
  - (b) made available to the member of Council in the course of carrying out council activities and duties.
- 13.2. No Member of Council shall use, or request the use of, for personal purpose any municipal staff services, property, equipment, services, supplies or other municipally-owned materials, other than for purposes connected with the discharge of municipal duties.
- 13.3. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.
- 13.4. No Member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the general public for any purposes other than carrying out their official duties.

- 13.5. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the municipality, except in compliance with the Act and the Conflict of Interest Bylaw.

#### **14. Reimbursable Expenses**

- 14.1. Members of Council may claim reimbursement by the municipality for the following expenses in accordance with the Remuneration Bylaw:
- (a) expenses incurred by Members of Council for an official duty or function that are modest and represent the prudent use of public funds and do not involve the purchase of alcoholic beverages; and
  - (b) hospitality expenses incurred by Members of Council for meetings that include:
    - i. engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
    - ii. providing persons from national, international and charitable organizations with an understanding and appreciation of the municipality or the workings of its municipal government;
    - iii. honouring persons from the municipality in recognition of exceptional public service and staff appreciation events;
    - iv. recognition events for various agencies, boards and commissions of the municipality; or
    - v. other community groups or associations.

#### **15. Support for Charities**

- 15.1. Members of Council may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups; however, all amounts raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group.
- 15.2. No Member of Council shall directly or indirectly manage or control any monies received relating to fundraising for registered charitable, not-for-profit and other community-based groups.

#### **16. Election Campaigns**

- 16.1. No Member of Council shall use supplies, services, staff, municipal logo or other resources of the municipality for any election campaign or campaign-related activities.
- 16.2. A Member of Council may only utilize a municipal facility or access equipment in the same manner as any other candidate for an election campaign purpose.
- 16.3. All Members of Council shall be respectful of the role of the CAO and municipal electoral officer (MEO) in managing the municipal election process and shall not interfere with how the CAO and MEO carry out their duties.
- 16.4. No Member of Council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the municipality.

## **17. Planning or Procurement Proposals before Council**

- 17.1. No Members of Council shall solicit or accept support in any form from an individual, group or corporation, with any planning or procurement proposal before Council.

## **18. Improper Use of Influence**

- 18.1. No Member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.
- 18.2. When a matter pertaining to the municipality is before any tribunal, members of Council shall not contact any tribunal members.
- 18.3. In matters relating to municipal administration, direction shall be given to the CAO by Council as a whole, rather than by individual members of Council.

## **19. Business Relations**

- 19.1. No Member of Council shall allow the prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.
- 19.2. No Member of Council shall borrow money from any person who regularly does business with the municipality, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
- 19.3. No Member of Council shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the municipality.
- 19.4. No Member of Council shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

## **20. Conduct at Council Meetings**

- 20.1. Members of Council shall conduct themselves with decorum at Council meetings in accordance with the provisions of the Procedural Bylaw.

## **21. Respectful Workplace**

- 21.1. Members of Council shall encourage public respect for the municipality and its bylaws. All Members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

## **22. Interactions of Council with Staff and Service Providers**

- 22.1. Council has the responsibility to govern in accordance with the Act and regulations.
- 22.2. Council officials must act in accordance with Council's Procedural Bylaw and the conduct guidelines outlined in this Code of Conduct Bylaw.
- 22.3. Members of Council shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.



- 22.4. Members of Council must not direct or influence, or attempt to direct or influence any municipal staff in the exercise of their duties or functions.
- 22.5. Pursuant to subsection 93. (6) of the MGA, Members of Council are to direct any inquires to the CAO rather than access staff directly. No Council member or member of a Council committee shall publicly or privately instruct or direct an employee of the municipality except through the CAO. Members of Council are not to contact or issue instructions to any of the contractors, tenderers, consultants or other service providers to the municipality.
- 22.6. Members of Council must not make public statements attacking or reflecting negatively on the Municipality, staff or invoke staff matters for political purposes.

### **23. Employment of Persons Closely Connect to Members of Council**

- 23.1. No member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- 23.2. No member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any person closely connected to the member.
- 23.3. No member of Council shall attempt to use a family relationship for their personal benefit or gain.

## **PART IV – COMPLAINTS**

### **24. Breaches, Complaint Handling and Internal Resolution**

- 24.1. Members of Council are to abide by the requirements of this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.
- 24.2. Before commencing the formal internal resolution procedure specified below, the member or members of Council who are a party or parties to an alleged contravention of this Code of Conduct will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the municipality.
- 24.3. Alleged breaches of this Code of Conduct by a member of Council shall be submitted in a written complaint addressed to the Mayor and/or the CAO within three (3) months of the last alleged breach.
- 24.4. In the event that the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor.
- 24.5. If the alleged contravention cannot be informally resolved, the Mayor will facilitate discussion between the parties.
- 24.6. If the matter is not satisfactorily resolved after mayoral facilitation, the Mayor, with the assistance of the CAO will commence the formal internal resolution process by appointing an independent third-party investigator who has the necessary professional skills, knowledge and experience to carry out the role and investigate the complaint in a fair and objective manner.

- 24.7. If the Mayor is involved in the alleged contravention of the Code of Conduct, the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment of any third-party investigator. All deliberations regarding alleged contraventions of the Code should be conducted in confidence.
- 24.8. If a third-party investigator is appointed, the parties:
- (a) Shall provide reasonable assistance to the investigator if requested; and
  - (b) Must participate in good faith in the investigation.
- 24.9. The role of the investigator is to:
- (a) Consider the alleged contravention of the Code of Conduct;
  - (b) Ensure that the parties involved are given an opportunity to be heard by the arbiter;
  - (c) Explore if the alleged contravention can be resolved between the parties without making any findings; and
  - (d) Failing resolution between the parties, the third-party investigator will provide an investigation update within ninety (90) days of their appointment to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent.
- 24.10. The third-party investigator will provide a written, confidential report of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.
- 24.11. Based on the findings in the report of the third-party investigator, the Council, Mayor or Deputy Mayor will determine the most appropriate action to resolve the matter.
- 24.12. Council may, in accordance with section 107(3) of the Act:
- (a) Dismiss the complaint;
  - (b) Require the Member of Council to remove themselves from the meeting if conduct is deemed to be inappropriate;
  - (c) Reprimand the Member of Council for a breach of this Code of Conduct Bylaw;
  - (d) Suspend the remuneration paid to the member in respect of their services as a member of Council for a period of up to 90 days;
  - (e) Request for an apology to Council, the complainant, or both;
  - (f) Impose a fine of not more than \$500; or
  - (g) Impose any other sanction that is deemed appropriate in the professional judgment of the third-party investigator, where so enabled in the Act.
- 24.13. The principles of natural justice must be observed during the arbitration of an alleged contravention of this Code of Conduct. There is a right to a fair hearing before an independent investigator. The member of Council who is the subject of an alleged contravention must be given all relevant information in regard to the allegation and an opportunity to respond and be supported if the member so desires. Any member of Council who alleges a contravention of the Code of Conduct must not be disadvantaged because of such action.

- 24.14. The Code of Conduct does not override, prevail over, or amend legislation applicable to the roles, responsibilities, and duties of Members of Council.
- 24.15. Members of Council are individually responsible for seeking relevant advice from the CAO as to the application of the Code of Conduct.

**25. Effective Date**

- 25.1. This Code of Conduct Bylaw, Bylaw# 2018-09, shall be effective on the date of approval and adoption below.

**First Reading:**  
 This Code of Conduct Bylaw, Bylaw# 2018-09 was read a first time at the Council meeting held on the 17th day of October, 2018.  
 This Code of Conduct Bylaw, Bylaw# 2018-09, was approved by a majority of Council members present at the Council meeting held on the 17th day of October, 2018.

**Second Reading:**  
 This Code of Conduct Bylaw, Bylaw# 2018-09, was read a second time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
 This Code of Conduct Bylaw, Bylaw# 2018-09, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Approval and Adoption by Council:**  
 This Code of Conduct Bylaw, Bylaw# 2018-09, was adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Signatures**

\_\_\_\_\_

**Mayor** (signature sealed)

\_\_\_\_\_

**Chief Administrative Officer** (signature sealed)

This Code of Conduct Bylaw adopted by the Council of the Rural Municipality of Miltonvale Park on \_\_\_(date)\_\_\_\_\_ is certified to be a true copy.

\_\_\_\_\_

**Chief Administrative Officer Signature**

\_\_\_\_\_

**Date**

**Rural Municipality of Miltonvale Park**  
**Bylaw to Provide Rules Governing Conflict of Interest for Members of Council**  
**Bylaw # 2018-10**

**BE IT ENACTED** by the Council of the Rural Municipality of Miltonvale Park 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. “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*.

4.3. “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.

4.4. “Council” means the Mayor and other members of the Council of a municipality.

4.5. “Family member” means, in relation to a person, a 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 of the person;

4.6. “Municipality” means the Rural Municipality of Miltonvale Park.

- 4.7. "Pecuniary" means money or monetary matters or that which can be valued in money.
- 4.8. "Person Closely Connected", in relation to a member, means a family member, an agent, a business partner or an employer of the person.
- 4.9. "Private Interest" means a relationship, obligation, duty, responsibility or benefit unique to the member of Council or a person closely connected to the member of Council.

## **5. General**

- 5.1. Pursuant to subsections 97.(1) and 97.(2) of the Act, the purpose of this bylaw is to:
  - (a) set out the procedure to be followed by a member of Council if the member believes or suspects that they may have a conflict of interest; and
  - (b) set out the procedure to be followed by the Council if a complaint is received by Council that a member of Council has a conflict of interest.
- 5.2. Pursuant to Part 5, Division 2 of the *Municipal Government Act*, where there is an inconsistency between this bylaw and the *Municipal Government Act* or another enactment, this bylaw is of no force or effect to the extent of the inconsistency.

## **6. Procedure for Reporting Conflicts of Interest**

- 6.1. Every member of Council is individually responsible for preventing potential and actual conflicts of interest as defined in the Act.
- 6.2. 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;
- 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 have 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.
- 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:
  - (a) the declaration of a conflict of interest;
  - (b) the general nature of the conflict declared;
  - (c) the material details; and
  - (d) the abstention and withdrawal of the member.
- 6.8. The person presiding over any meeting of Council, a Council committee, a controlled corporation or other bodies of Council shall ensure that the provisions in this section are followed when a conflict of interest is declared. Discussion on the matter must be suspended until the Council, Council committee, controlled corporation, or other bodies of Council, as the case may be, can determine whether or not a conflict is present.
- 6.9. If a Council member is in doubt as to whether they are in a conflict of interest or may be in a conflict, it is the responsibility of that Council member to ensure a conflict is not present.
- 6.10. Where a member of Council has a conflict of interest, the member, as a taxpayer or voter, has a right to be heard at a meeting of Council pursuant to subsection 96(8) of the Act and as such, the member:
  - (a) shall leave their place at the Council table, but is not required to leave the room;
  - (b) may exercise the right to be heard at the meeting in the same manner as a person who is not a member of Council; and
  - (c) shall leave the meeting room after having been heard until the matter has been dealt with by the Council, or the meeting has progressed to the next item on the agenda.
- 6.11. During any public consultation, hearing, or other format used by the municipality for seeking feedback from the public or receiving information from an applicant, a member of

Council may exercise the right to be heard as a taxpayer or voter. The member must declare the conflict of interest to those present before speaking.

- 6.12. Considerations of potential conflict shall take into account the information included in the disclosure statement required under the Code of Conduct bylaw, as well as all other facts relating to the matter.

## **7. Procedure for Handling Conflict of Interest Complaints Against a Member of Council**

- 7.1. 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 an elector.
- 7.2. After a complaint has made against a member of Council, the Mayor shall ensure that the complaint comes before Council to be addressed as follows:
- (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.
- 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 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.
- 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 the member:
- (a) fails to declare their interest in the matter before the Council;
  - (b) fails to remove themselves from the Council meeting and any other meeting when the matter is discussed;
  - (c) fails to abstain from the discussion and voting on the matter; and
  - (d) attempts 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.
- 8.2. Pursuant to subsection 96(6) of the Act, a member of Council who fails to comply or contravenes section 8(1) of this bylaw may be pardoned by a resolution of Council, if Council is satisfied that the member's action was inadvertent or due to a genuine error in judgment.
- 8.3. Council shall not pardon a member of Council who fails to comply or contravenes section 8.1 where that member should reasonably have known that they were acting in a conflict.
- 8.4. Where a member is disqualified, Division 5 of Part 4 of the Act applies.

## **9. Effective Date**

- 9.1. This Conflict of Interest Bylaw, Bylaw# 2018-10, shall be effective on the date of approval and adoption below.

### **First Reading:**

This Conflict of Interest Bylaw, Bylaw# 2018-10, was read a first time at the Council meeting held on the 17th day of October, 2018.

This Conflict of Interest Bylaw, Bylaw# 2018-10, was approved by a majority of Council members present at the Council meeting held on the 17th day of October, 2018.

### **Second Reading:**

This Conflict of Interest Bylaw, Bylaw# 2018-10, was read a second time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

This Conflict of Interest Bylaw, Bylaw# 2018-10, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.



**Approval and Adoption by Council:**

This Conflict of Interest Bylaw, Bylaw# 2018-10, was adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Signatures**

\_\_\_\_\_  
**Mayor** (signature sealed)

\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

This Conflict of Interest Bylaw adopted by the Council of the Rural Municipality of Miltonvale Park on \_\_\_\_\_ (date) \_\_\_\_\_ is certified to be a true copy.

\_\_\_\_\_  
**Chief Administrative Officer Signature**

\_\_\_\_\_  
**Date**

