

**TOWN OF CORNWALL**  
**CONFLICTS OF INTEREST BYLAW**  
**BYLAW #3**

A Bylaw relating to Conflicts of Interest in the Town of Cornwall.

BE IT ENACTED and is hereby enacted as a bylaw of The Town of Cornwall as follows:

WHEREAS by Section 95 of the Charlottetown Area Municipalities Act, certain restrictions have been placed on members of Council.

AND WHEREAS it is thought prudent to adopt conflicts of interest, rules and procedures for the Mayor, Councillors, employees and staff of the Town, its corporations, committees, agencies, commissions, appointed members, employees and staff.

1. This bylaw applies to:
  - (a) The Mayor
  - (b) The Councillors
  - (c) The Chief Administrative Officer
  - (d) Employees of the Town, any corporation, committee, agency or commission of the Town
  - (e) Members and directors appointed by the Town or any of its committees, corporations or commissions.
  
2. In this bylaw:
  - (a) Associate means:
    - (i) a body corporate of which that person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than ten per cent of the voting rights under all circumstances or by reason of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such share or such convertible securities;
    - (ii) a partner of that person acting on behalf of the partnership of which they are partners;
    - (iii) a trust or estate in which that person has a substantial beneficial interest or in respect of which he/she serves as a trustee or in a similar capacity;
    - (iv) a person is associated to another if he/she or

his/her nominee, including a nominee appointed by any trustfund arrangement, is an employee, a shareholder in, or a Councillor or a senior officer of a firm or a corporation that does not offer its securities to the public or has a controlling interest in, or is a Councillor or senior officer of a corporation that offers its securities to the public or is a member of a body; and

- (v) a member of a person's immediate family.
  - (b) Dependent means - the spouse of the Mayor, Councillor, committees, agencies, commissions and employee including a person to whom any of the above is not married but who resides with any of the above and any other person whose primary source of financial support is any of the above mentioned.
3. It is a conflict of interest for any of those listed in Section 1:
- (a) to seek or obtain by reason of his/her office any privilege or advantage to himself/herself or his/her dependents not otherwise available to other persons;
  - (b) to accept any fees, gifts, gratuities or other benefits which would reasonably be deemed to influence his/her decision in respect of the performance of his/her functions;
  - (c) to make use in any way to his/her personal gain or the gain of others of privileged information to which he/she has access by reason of his/her office;
  - (d) to hold any office or position incompatible with the disinterested performance of his/her duties and responsibilities.
4. For the purpose of this Bylaw, those listed above have an indirect pecuniary interest in a contract or proposed contract with any agent of the Town.
- (a) If any of the above listed is associated with the person, firm or corporation:
    - (i) with which the contract is made or is proposed to be made;
    - (ii) that has an interest in a contract or proposed contract that is reasonably likely to be affected by a decision of the Town;
    - (iii) that has an interest in any other matter in which the Town is concerned;
5. (1) Where during any meeting there arises a matter in which

a member of any of his/her dependents or associates has a direct or indirect pecuniary interest, those listed in Section 1 shall:

- (a) disclose the general nature of the direct or indirect pecuniary interest;
- (b) withdraw from the meeting without voting or participating in the discussion; and
- (c) refrain at all times from attempting to influence the matter;

(2) For purposes of subsection (1) "meeting" includes:

- (a) a meeting of the Town Council;
- (b) a meeting of any committee, corporation or commission on which the member serves by virtue of an appointment by the Town;

6. None of those listed or their dependents or associates shall use for personal gain or the gain of any other person, information which is not available to the public and which those listed or their dependents acquires in the performance of his/her official powers, duties or functions.

Passed the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

BE IT RESOLVED THAT:

Bylaw No. 3, being a bylaw relating to Conflicts of Interest for the Town of Cornwall and the same, is hereby enacted as a bylaw of the Town and the Mayor and the C.A.O. be and they are hereby authorized to sign the bylaw and apply the Town seal thereto.

Dated the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Filed with the Minister this \_\_\_\_\_ day of \_\_\_\_\_.