

**Rural Municipality of Eastern Kings, Prince Edward Island
Code of Conduct for Members of Council Bylaw
Bylaw # 2025-02**

BE IT ENACTED by the Council of the Rural Municipality of Eastern Kings 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 and Council Committees in carrying out their functions and making decisions that benefit the Rural Municipality of Eastern Kings.

3. Authority

- 3.1. Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires 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* and *Code of Conduct Regulations*
 - (b) the *Occupational Health and Safety Act Workplace Harassment Regulations*
 - (c) the *Criminal Code of Canada*
- 4.2. The bylaw, pursuant to Section 3 of the Regulations applies, as nearly as practicable, to Council Committee members and Directors of controlled corporations established by Council.
- 4.3. Part 15 of this Bylaw applies to members of the Municipality’s committee and to directors of the Municipality’s controlled corporations who are not members of 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 the Act.
- 5.2. In this bylaw,
- (a) “Act” means the *Municipal Government Act*.

- (b) "Chief Administrative Officer" or "CAO" means the administrative head of the municipality.
- (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.
- (d) "Council" means the Mayor and other members of the Council of the Municipality.
- (e) "Disclosure Statement" means the disclosure statement prescribed by section 107(2) of the Act.
- (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 Eastern Kings.
- (h) "Person Closely Connected" means, in relation to a member of Council, a family member, an agent, a business partner or an employer of the member.
- (i) "Regulations" means the Code of Conduct Regulations enacted pursuant to the Act.
- (j) "Staff" means 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.

7. Periodic Review

- 7.1. Council shall, in accordance with Section 6 of the Regulations, review and update this bylaw at least once every five years from the effective date of this bylaw.

8. Training

- 8.1 Within the first six months after a member of Council is appointed, elected or re-elected:
- (a) the CAO shall arrange for training on the Code of Conduct for Council; and
 - (b) all members of Council shall complete the training; and
 - (c) the CAO shall report to Council if a member fails or refuses to complete the training.
- 8.2. The training provided shall consist of the training course specified by the Minister.
- 8.3. A member of Council who fails or refuses to complete the Code of Conduct training within the time specified shall not:
- (a) carry out a power, duty, or function as a member of Council;
 - (b) receive any remuneration; and
 - (c) be considered present at a meeting even if the member is physically present.

PART II – PRINCIPLES

9. Guiding Principles and Expectations

- 9.1. Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 9.2. Members of Council have a duty to make decisions based on the best interests of the Municipality.
- 9.3. Members of Council are expected to act lawfully and be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends, or business interests as a result of the member holding municipal office.
- 9.4. Members of Council must demonstrate and promote the principles of the Code of Conduct through their decisions, actions, and behaviour. Behaviour must build and inspire the public's trust and confidence in municipal government.
- 9.5. Members of Council must conduct public business efficiently and with decorum. They must always treat each other and others with respect.
- 9.6. 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.
- 9.7. 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 avoid and/or disclose conflicts of interest, and the improper use of the influence of their office;
 - (c) Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;
 - (d) Members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful; and
 - (e) Members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse including derogatory language, or the adverse treatment of others.

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:

- (a) 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.
- (b) use confidential information for personal or for the gain of any person closely connected as defined in the Act.
- (c) 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.

10.3. Council shall keep confidential any 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 Act; and
- (d) Human resource matters.

11. Public Disclosure Statements

- 11.1. All members of Council are required to file the Disclosure Statement with the CAO within thirty (30) days of being elected or appointed and update the Disclosure Statement by November 30 of each year the member serves on Council.
- 11.2. All members of Council are required to amend the Disclosure Statement to reflect any subsequent changes to the information previously filed. Upon being notified of the change, the CAO shall amend the Disclosure Statement for the member of Council to date and initial.
- 11.3. The CAO shall post all Disclosure Statements on the municipality's website within 30 days of receipt from each member. The Disclosure Statement shall remain on the site until such time as an updated Disclosure Statement is filed or the individual is no longer a member of Council.

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 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 at less than fair market value.

12.3. No member of Council shall provide property, goods, and services to the municipality at higher than fair market value.

13. Use of Municipal Property, Equipment and Services

13.1. No member of Council shall use, or request the use of, municipal staff services, municipal equipment, services, supplies or other municipally owned materials or any municipal property unless item or service 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 obtain, or attempt to obtain, personal financial gain from the use or sale of municipally developed intellectual property.

13.3. 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 public for any purposes other than carrying out their official duties.

13.4. 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. Improper Use of Influence

14.1. No member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.

14.2. When a matter pertaining to the municipality is before any tribunal, members of Council shall not contact any tribunal members.

15. Respectful Workplace

- 15.1. All members of Council have a duty to treat other Council members, Staff and the public appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
- 15.2. All members of Council shall encourage public respect for the Municipality and its bylaws.
- 15.3. All members of Council must respect the decision(s) of Council when a decision has been made.
- 15.4. While respecting the right to have contradictory positions and opinions, all members of Council shall avoid any words or actions that are unduly critical or derogatory to other members of Council, staff, or the Municipality's official position on any topic.

16. Interactions of Council with Staff and Service Providers

- 16.1. No member of Council shall attempt to influence staff to hire or promote a person closely connected to the member.
- 16.2. 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.
- 16.3. Pursuant to subsection 93(6), members of Council are to direct any inquiries to the CAO rather than staff directly. Members of Council must not direct or influence, or attempt to direct or influence any municipal staff, except the CAO, in the exercise of their duties or functions.
- 16.4. Despite subsection 16.3, members of Council or a Council Committee may communicate directly with staff to obtain or provide information pursuant to subsection 93(7) of the *Act*.
- 16.5. Members of Council must not make public statements attacking or reflecting negatively on the Municipality, staff or invoke staff matters for political purposes.

PART III – COMPLAINTS

17. Breaches, Complaint Handling, and Internal Resolution

- 17.1. Any person may file a complaint concerning an alleged breach of this Bylaw.
- 17.2. Members of Council are to abide by the requirements of this Bylaw and shall endeavour to resolve disputes in good faith.
- 17.3. Alleged breaches of this Bylaw by a member of Council shall be submitted in a written complaint, using the form included in Schedule "A", addressed to the Mayor and the CAO within three (3) months of the complainant becoming aware of the last alleged breach.
- 17.4. The CAO, within 14 days of receipt of the written complaint, shall notify the individual who is the subject of the complaint.

- 17.5. Before commencing the formal internal resolution procedure, the member(s) of Council who allegedly breached this Bylaw 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, with assistance from the Mayor who will facilitate discussion between the parties.
- 17.6. The parties shall endeavour to resolve the matter, as contemplated in section 17.5, within sixty (60) days from the date the complaint was filed.
- 17.7. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor and CAO.
- 17.8. In the event both the Mayor and Deputy Mayor are the subject of, or are implicated in a complaint, or a majority of Council is the subject of or implicated in the complaint, Council shall commence the formal resolution process.
- 17.9. In the event both a member of Council and the CAO are the subject of, or are implicated in a complaint, Council shall commence the formal resolution process.
- 17.10. The Mayor, or if the Mayor is the subject of the complaint, the Deputy Mayor, may dismiss the complaint if it is frivolous and vexatious. In determining whether the complaint is frivolous and vexatious, the Mayor, or Deputy Mayor if appointed, may consider:
 - (a) Whether the complaint advances a clear or legitimate complaint;
 - (b) Whether a reasonable person could expect the complaint to be dealt with in the manner provided for in this Bylaw;
 - (c) Whether the behaviour alleged to have been in contravention of this Bylaw has already been addressed by a court or tribunal of competent jurisdiction;
 - (d) Whether an action, claim, or complaint has already been commenced in a court or tribunal about the behaviour alleged to have been in contravention of this bylaw and/or whether the complaint was submitted in the face of the dismissal of a previous action, claim or complaint about the behaviour alleged to have been in contravention of this Bylaw; and
 - (e) Whether it appears that the complaint is being brought for an improper purpose.
- 17.11. If the matter is not satisfactorily resolved after mayoral facilitation, Council will commence the formal internal resolution process by having Council appoint 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.
- 17.12. All deliberations regarding alleged breaches of this Bylaw shall be conducted in confidence.

18. Investigations

- 18.1. 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.

18.2. The role of the investigator is to:

- (a) Consider the alleged breach of the Code of Conduct and any accompanying evidence;
- (b) Determine whether the complaint is frivolous or vexatious and dismiss the complaint on that basis;
- (c) Ensure that the parties involved are given an opportunity to be heard by the investigator;
- (d) Explore if the alleged breach can be resolved between the parties without making any findings; and
- (e) Failing resolution between the parties, the third-party investigator will:
 - i. Determine whether a breach of the code of conduct provisions and/or other provisions of this Bylaw has occurred based on the information provided by the complainant;
 - ii. Determine whether informal attempts were made to resolve the complaint and whether those attempts were successful;
 - iii. Where a complaint is unresolved following informal attempts to resolve it, investigate the complaint; and
 - iv. Provide an investigation update to the Council, the complainant and the respondent if for any reason the investigation cannot be completed and a report cannot be issued within the time prescribed under section 18.3

18.3. Unless extended by Council following the receipt of an update under section 18.2(e)(iv), the third-party investigator will provide a written, confidential report of the findings of the investigation, including whether there has been a breach of this Bylaw to Council, the complainant, and the respondent within 60 days from date they are appointed by Council pursuant to section 17.11. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.

18.4. Upon receipt of the investigation report, Council will, in accordance with the Regulations do the following at its next meeting of Council:

- (a) Close the meeting to the public and review the report;
- (b) When the review is finished, re-open the meeting to the public and hold a vote for the following purposes:
 - i. To determine if the member breached the code of conduct, and if no breach has occurred, to dismiss the complaint by resolution; or
 - ii. To determine the appropriate sanction if any.

19. Sanctions

- 19.1. The principles of natural justice must be observed during the independent investigation. The member of Council who is the subject of an alleged breach must be given all relevant**

information regarding the allegation and an opportunity to respond and be supported if the member so desires.

- 19.2. Any member of Council who alleges a breach of the Code of Conduct must not be disadvantaged because of such action.
- 19.3. Council shall consider the following when deciding whether to impose a sanction for a breach of this Bylaw:
 - (a) Whether the breach was intentional or inadvertent;
 - (b) The nature of the breach, including the number of occasions the breach occurred and the length of time the activity or conduct that constituted the breach lasted;
 - (c) Whether the member took any steps to remedy the breach or mitigate the consequences of the breach;
 - (d) Whether the member previously breached the Code and the circumstances of that breach;
 - (e) Whether the member has previously refused to comply with a sanction for a breach of this Bylaw; and
 - (f) The recommendation(s) of the investigator.
- 19.4. Council may, in accordance with subsections 107(3) and (4) of the Act and Section 5 of the Regulations:
 - (a) Dismiss the complaint;
 - (b) Reprimand the member of Council for a breach of this Bylaw;
 - (c) Suspend the member in respect of their services as a member of Council for a period not to exceed:
 - i. Six months, or
 - ii. the expiry of the member's term of office, whichever occurs first.
 - (d) Request a written apology to Council, the complainant, or both;
 - (e) A requirement that the council member attend training as recommended by Council;
 - (f) Impose a fine of not more than \$500;
 - (g) Reduce or suspend the Council member's compensation as provided for under subsection 82(2) of the Act;
 - (h) Impose any other sanction that is recommended by the third-party investigator, other than sanctions prohibited by the Act;
 - (i) Any other sanction that may be provided for in the Regulations as they are amended from time to time.
- 19.5. A member who is sanctioned by Council for a breach of this Bylaw shall comply with the terms of the sanction within the time specified by Council.
- 19.6. The CAO shall, where a member has been sanctioned by Council, post notice of the sanction on the municipality's website within seven (7) days of the sanction being

announced and ensure the notice remains on the website for the term of the sanction or thirty (30) days, whichever is greater.

19.7. A Council member suspended pursuant to 26(1)(d) shall not, during the period of the suspension:

- (a) Sit on Council, a Council Committee or the Board of Directors of a controlled corporation or other entity established by the Municipality; or
- (b) Receive any remuneration, allowance or other sum from the Municipality or controlled corporation or other entity referred to in clause 9(a).

19.8. A member or members of Council who are the subject of the complaint shall not take retaliatory actions or attempt to influence others to act against the complainant.

20. Repeal of Existing Bylaw

20.1. On adoption, this bylaw replaces **Bylaw # 2022-01** and all amendments heretofore.

21. Effective Date

21.1. This Code of Conduct Bylaw, **Bylaw# 2025-02**, shall be effective on the date of approval and adoption below.

First Reading:

This Code of Conduct Bylaw, Bylaw# 2025-02, was **read a first time** at the Council meeting held on the 09th day of December, 2025.

This Code of Conduct Bylaw, Bylaw# 2025-02, was **approved** by a majority of Council members present at the Council meeting held on the 09th day of December, 2025.

Second Reading:

This Code of Conduct Bylaw, Bylaw# 2025-02, was **read a second time** at the Council meeting held on the 9th day of June, 2026.

This Code of Conduct Bylaw, Bylaw# 2025-02, was **approved** by a majority of Council members present at the Council meeting held on the 9th day of June, 2026.

Approval and Adoption by Council:

This Code of Conduct Bylaw, Bylaw# 2025-02, was **adopted** by a majority of Council members present at the Council meeting held on the 9th day of June, 2026.

Signatures

A blue ink signature, appearing to be "Sonya Martin", is written over a circular official seal of the Rural Municipality of Eastern Kings. The seal contains the text "RURAL MUNICIPALITY OF EASTERN KINGS" and "Incorporated 1974".

Mayor (signature sealed)

A blue ink signature, appearing to be "Sonya Martin", is written over a circular official seal of the Rural Municipality of Eastern Kings. The seal contains the text "RURAL MUNICIPALITY OF EASTERN KINGS" and "Incorporated 1974".

Chief Administrative Officer (signature sealed)

This Code of Conduct Bylaw, Bylaw #2025-02 adopted by the Council of the Rural Municipality of Eastern Kings on the 9th of June 2026 is certified to be a true copy.

A blue ink signature, appearing to be "Sonya Martin", is written over a horizontal line.

Chief Administrative Officer Signature

June 09, 2026

Date

Schedule A – Code of Conduct Complaint Form

This form shall be filed within **3 months** of the complainant becoming aware of the alleged breach. Complainants are encouraged to report incidents as soon as possible.

If an informal resolution was not attempted as you feel it is inappropriate for your complaint, please be sure to indicate this below.

Alleged violations should be reported in good faith, where the person making the complaint reasonably believes they have information that can show a violation has been committed.

The following sections must be completed to enable review:

- **Complainant Information**
- **Incident Report**
- **Informal Resolution Report** (may not be appropriate for all complaints)

If additional information needs to be included under any section of this form, this information can be completed on a separate document and attached to the form.

This document, once completed, must be submitted to the Chief Administrative Officer (CAO). The CAO will process all complaints and may recommend dismissal, informal resolution process, mayoral mediation, or formal resolution process.

This document, once completed, must be stored in such a manner to protect the confidential nature of the contents.

COMPLAINANT INFORMATION
(Required Section)

Full Name:

Last Name

First Name

Position (if any):

Phone Number:

Address:

Address

Community

Postal Code

Email (Optional)

Signature:

INCIDENT REPORT
(Required Section)

Who Committed the Alleged Violation?

Full Name:

Last Name

First Name

Position:

(Mayor/Deputy Mayor/Council/Council Member/Committee Member)

Witness Information

Include the names, position titles, and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation.

Details of the Alleged Violation

Provide as much detail as possible regarding the facts of the situation.

Description of the violation (section of municipal by-law violated, what was observed, who was involved, what was said or happened), including any background/context:

When and where did this situation happen (dates, times, and locations)?

Date of Violation:

**Additional
Details:**

Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence):

DISCLOSURE DETAILS (Optional Section)
What was happening before the situation occurred?
Did anyone respond or react to the situation (who responded, what did they say or do)?

INFORMAL RESOLUTION REPORT (Required Section)
<i>An informal resolution attempt includes a conversation between the individuals involved in the complaint, and, if necessary, the Mayor.</i> <i>If your complaint is unsuitable for an informal resolution attempt, please indicate that here.</i>
Describe the steps taken to resolve the conflict:
How did the respondent react?
Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence):

FOR COMPLETION BY THE CAO

Respondent Information (for intake reviewer's reference only):

Date Received: _____

CAO Signature: _____