

The Municipal Council Conflict of Interest Act

Part of a larger whole –

‘Accountability and Openness’



The Base Line – “the musts”

- *The Municipal Council Conflict of Interest Act*
- *The Municipal Act*
- *The Planning Act*
- *The Freedom of Information and Protection of Privacy Act*
- *The Municipal Councils and School Boards Elections Act*

Intent of The Municipal Council Conflict of Interest Act

- Ensure fair and objective decision making by council.
- To deal with situations when a member of council's personal interests appear to conflict with public duty.





Legal Requirements

- Direct/Indirect pecuniary interests
- Dependants
- Exceptions
- Interest must be significant



Statement of Assets and Interests

- Deadline for filing statement
- Assets and interests which must be disclosed
- Exemptions
- Statement not available to public
- Members right to appear at meeting

MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

[Section 9(1)]

The (name of municipality)

Member of Council: _____

(name)

I declare the following to be my assets and interests in accordance with the provisions of the said Act:

Real Estate in the Municipality:

Personal Financial Interests (No financial detail required - nature of holding only):

(Date)

Councillor / Head of Council /
LUD Committee Member)



Disclosure of Interest

- Onus on member to disclose interest.
- Legislated process for disclosing an interest.



Making a Disclosure

- Disclose that you have an interest;
- Withdraw from any discussion and voting
- Leave the room until the matter has been dealt with; and
- Ensure your declaration of interest is recorded.
 - Central record open to public

MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT
[Subsection 5(1)]

The (name of municipality)

With reference to _____, motion _____
(agenda item number)
(number)

(description)

arising at a meeting of _____
(Council, Local Urban District Committee,
Committee of Council)

_____, a member of council disclosed a personal
(name)

interest in the matter before council.

Certificate of Designated Officer

Upon declaring an interest in agenda item _____, resolution #_____, said councillor withdrew from the council chamber, without further participation in the matter under discussion.

(Date)
Signature of designated officer)

(



Common Questions?

- What happens if the number of members participating in the matter is reduced below quorum?
- Are contracts invalidated if a member failed to comply?
- What happens when a member who has an interest in a matter discussed at a meeting was not in attendance?



Legislation Prohibits

- ❑ Using ‘insider’ information.
- ❑ Receiving compensation for a matter before council.
- ❑ Attempting to influence the vote of another member.

Penalties

- Application to Court of Queen's Bench
- Limitation period
- Disqualification for violation
- Disqualification for failure to file statement
- Restitution
- Unknowing/inadvertent breach





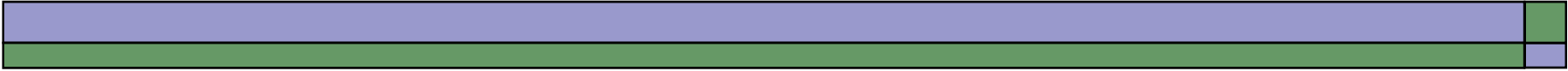
Remember

- If you vote on a matter in which you have pecuniary interest, you are subject to disqualification, even if you vote against the interest.
- Ask to have your declaration and withdrawal recorded in the minutes to see that it actually has been recorded.



Remember

- The rules apply at all meetings of your council and its committees, and at the meetings of any board, commission, committee or agency to which you are appointed as a representative of council.
- If you are in doubt as to whether you have a pecuniary interest, get a letter from your own solicitor giving advice to you.



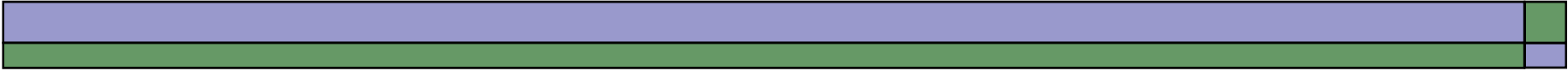
Going Beyond the Baseline – exceeding ‘the musts’

- Establish Policies for:
 - Employees
 - Council Conduct
 - Tendering/Procurement



CAOs and Other Employees

- Not subject to *The Municipal Council Conflict of Interest Act*.
- Municipalities should develop and implement a formal conflict of interest policy for employees. Part of good management practice.



Purpose of the Policy

- ❑ Ensures jobs are undertaken in a fair and objective manner.
- ❑ Describe what the municipality expects.
- ❑ Protect the interests of both the municipality and the employee by providing a standard by which questions of conflict of interest may be identified.
- ❑ Provide rules, guiding principles, information and examples regarding various types of conflicts of interest.



Scope of Policy

- ❑ Outside interests
- ❑ Gifts, favours and services
- ❑ Furthering private interests
- ❑ Using municipal assets
- ❑ Using confidential information



QUESTIONS?
