



MEMORANDUM

To: Mayor Bonnette and Members of Council
From: Renée Brown, Deputy Clerk – Legislation & Elections
Mem No. ADMIN-2019-0004
Subject: Conflict of Interest – New Legislative Requirements
Date: January 23, 2019

PURPOSE OF THE MEMORANDUM:

To inform Council about the new legislative requirements regarding written disclosure of conflict or pecuniary interests.

BACKGROUND:

Members of Council, Committees and Local Boards have always been required to declare any pecuniary or conflict of interest items for the public record at meetings. This declaration has traditionally been a verbal declaration made at the appropriate time in the meeting and recorded by the Clerk for that meeting in the minutes.

COMMENTS:

Through Bill 68 Modernizing Ontario's Municipal Legislation Act, 2017, the Municipal Conflict of Interest Act was amended to require Members of Council, Committees and Local Boards to provide a written statement of disclosure of conflict/pecuniary interest effective March 1, 2019.

According to the Municipal Conflict of Interest Act:

- 5.1 At a meeting at which a member discloses an interest under Section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board as the case may be.

- 5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

As in the past the meeting Clerk must record the disclosures in the minutes. However in addition to having the disclosure recorded in the minutes the Clerk must also retain all of the written disclosure and there is also an additional requirement under the Municipal Conflict of Interest Act, Section 6 that every municipality and local board establish and maintain a registry of all disclosures.

Section 6 of the Municipal Conflict of Interest Act states:

- 6.1(1) Every municipality and local board shall establish and maintain a registry in which shall be kept,
- (a) a copy of each statement filed under section 5.1; and
 - (b) a copy of each declaration recorded under section 6.
- (2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

To assist with these requirements the Clerks' office has prepared a disclosure form (Attached as Appendix A) for Council and Committee members to fill out. Staff are also working with IS services to create a registry that can be put on the Town's Website to satisfy the registry requirement.

CONCLUSION:

Members of Council, Committees and Local Boards are required to provide a written statement of disclosure of conflict/pecuniary interest effective March 1, 2019 and the Town of Halton Hills is required to establish and maintain a registry of these disclosures. Staff have provided a form for the disclosures and a Registry is being created.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Suzanne Jones".

Suzanne Jones, Clerk & Director of Legislative Services

A handwritten signature in cursive script, appearing to read "Brent Marshall".

Brent Marshall, Chief Administrative Officer