



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Date:** February 4, 2019  
**To:** Mayor and Council  
**Author:** Jennifer Astrologo, Director of Corporate Services  
**RE:** Disclosure of Pecuniary Interest Registry  
**Report No.:** CS-2019-06

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## **AIM**

To provide Council with information regarding the mandatory registry that municipalities must establish on or before March 1, 2019.

## **BACKGROUND**

The *Municipal Conflict of Interest Act* (the “*Act*”) sets out a framework for members regarding the ethical participation in local government decision-making. It is designed to protect the public interest by prohibiting members from having any involvement in relation to a matter under consideration by council or a local board, where the member has a pecuniary interest.

Pursuant to Section 5 of the *Act*, members who have a pecuniary interest (direct, indirect, or deemed) in any matter that is under consideration by council or local board must:

- a. Disclose the interest and general nature thereof, prior to consideration of the matter at the meeting;
- b. Not participate in the discussion or vote on any question in respect of the matter; and
- c. Not attempt in any way to influence the voting on any such question.

## **DISCUSSION**

Although the requirement to declare a pecuniary interest at the meeting has not changed, effective March 1, 2019, members will also be required to file a written statement of their interest, at the meeting or as soon as possible thereafter, with the Clerk or secretary of the

committee or local board, as the case may be.<sup>1</sup> Similar to the declaration made under Section 5 of the *Act*, the written statement must include the interest being declared and the general nature thereof.

Municipalities across the province have a corresponding obligation to establish and maintain a registry which shall contain a copy of these written statements and a copy of the declarations recorded in the minutes.<sup>2</sup> Additionally, the registry must be available to the public for inspection during the time that the municipality or local board, as the case may be, may determine.<sup>3</sup>

To ensure that the legislative obligations are being fulfilled and to maintain consistency with respect to the information collected about the disclosure, a Declaration of Pecuniary Interest Form (the “Declaration”) has been developed and is attached at Appendix A.

The Declaration requires the member to outline the following details:

- Member Name
- Meeting Type – members are expected to identify whether their interest is being declared at a council or committee/local board meeting, and to specify the committee/local board, where applicable
- Meeting Date
- Agenda Item number and title as described on the agenda
- Reasons for declaring a pecuniary interest

Finally, the member must sign and date the Declaration. The reverse of the Declaration contains a brief statement of the obligations under the *Act*, and instructions for declaring a pecuniary interest and completing the Declaration.

In addition to maintaining a hardcopy of the Declarations in the Corporate Services Department, the Declarations will be published on the Town’s website.

## **LINK TO STRATEGIC PLAN**

Effectively manage corporate resources and maximize performance in day-to-day operations.

## **FINANCIAL CONSIDERATIONS**

None

## **CONSULTATIONS**

None

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<sup>1</sup> S. 5.1 of the *Act*.

<sup>2</sup> S. 6.1(1) of the *Act*.

<sup>3</sup> S. 6.1(2) of the *Act*.

## RECOMMENDATION

That Council receive this report regarding the mandatory requirement for municipalities to establish and maintain a registry of statements filed in accordance with the provisions of the *Municipal Conflict of Interest Act*.

*Jennifer Astrologo*

Jennifer Astrologo, B.H.K. (hons), LL.B  
Director of Corporate Services/Clerk

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer