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

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.\footnote{S. 5.1 of the Act.} Similar to the declaration made under Section 5 of the \textit{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.\footnote{S. 6.1(1) of the Act.} 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.\footnote{S. 6.1(2) of the Act.}

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 \textit{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.

\textbf{LINK TO STRATEGIC PLAN}

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

\textbf{FINANCIAL CONSIDERATIONS}

None

\textbf{CONSULTATIONS}

None

\footnotetext[1]{S. 5.1 of the Act.}
\footnotetext[2]{S. 6.1(1) of the Act.}
\footnotetext[3]{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