



Hamilton

INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	February 21, 2019
SUBJECT:	Municipal Conflict of Interest Declarations
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk
SIGNATURE:	

On September 12, 2018, the Procedural By-law 14-300 was repealed and replaced with By-law 18-270, which includes Section 3.18 (below), effective March 1, 2019 to comply with the amendments to the *Municipal Conflict of Interest Act* (referred to as the "Act"), through Bill 68:

3.18 Conflict of Interest Declarations (*this section is effective March 1, 2019*)

- (1) Where a member, has disclosed an interest referred to in Section 5 of the *Municipal Conflict of Interest Act, 1990* at a meeting, the member, shall file a written statement with the Clerk.
- (2) Where a member, has disclosed an interest and filed a written statement with the Clerk, as required by subsection 3.18(1), the Clerk, shall:
 - (a) file the written statement by the member in the Conflict of Interest Registry;
 - (b) record the interest in the minutes of the meeting;
 - (c) file a record of the interest recorded in the minutes of the meeting in the Conflict of Interest Registry; and
 - (d) make the Conflict of Interest Registry available for public inspection.

Legislative staff will continue the process of recording declarations of interest in the minutes of the respective Committee and Council minutes, as currently required by the Act.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Members, in addition to declaring their interests at meetings as required by section 5 of the Act (below), will be required to complete a Municipal Conflict of Interest Declaration Form (Appendix A), which can be found in the Document Library on eSCRIBE, which is to be forwarded to the Clerk's Office as soon as possible after a declaration has been made at a meeting:

When present at meeting at which matter considered

- 5 (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 and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

- (2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

- (3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

Upon receipt of the Municipal Conflict of Interest Declaration Form from the member, staff will upload the form to the Conflict of Interest Registry, which will be available to the public on the City's website.

Members can find the complete *Municipal Conflict of Interest Act*, at the following link: <https://www.ontario.ca/laws/statute/90m50#BK0>

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ADDITIONAL INFORMATION:

The *Municipal Conflict of Interest Act*, applies to “member” as defined by the Act, as follows:

- “member” means a member of a council or of a local board; (“membre”)

The definition of “local board” is also amended on March 1, 2019, by striking out “police services board” and substituting “police service board”, as follows:

- “local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police service board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

APPENDICES AND SCHEDULES ATTACHED

Appendix A - Municipal Conflict of Interest Declaration Form

Municipal Conflict of Interest Declaration Form



Declaration of Interest

Municipal Conflict of Interest Act

Meeting Date & Type:

Meeting Type: _____
(Committee/Council)

Date of Meeting: _____

Subject Matter:

Item Number: _____

Item Title: _____

Declaration:

I, member _____ declare a potential
(deemed, direct or indirect) pecuniary interest with respect to:

on the Council / Committee agenda dated _____

For the following reason(s) *(state the general nature of the pecuniary interest)*:

Member Signature

For an indirect pecuniary interest – see Section 2 of the *Municipal Conflict of Interest Act*
For a direct or deemed pecuniary interest – see Section 3 of the *Municipal Conflict of Interest Act*