

REPORT TO BOARD OF TRUSTEES February 26, 2019

Deb Crawford, Director of Education

SUBJECT: Bill 68 Municipal Conflict of Interest Requirements

PREPARED BY: Deb Crawford, Director of Education

BACKGROUND:

Bill 68, *Modernizing Ontario's Municipal Legislative Act* received Royal Assent on May 30, 2017. New requirements regarding conflict of interest become effective March 1, 2019 for school boards. The key new requirements are:

- All boards must establish a registry of conflict of interest declarations from trustees that is open to the public;
- All boards now require a written declaration of conflict of interest from trustees at all committee and board meetings.

The Ontario Catholic School Trustees' Association (OCSTA) has drafted a template *Conflict of Interest Declaration Form* to assist boards with these requirements (Appendix 1).

The registry must contain the following information:

- A copy of each conflict of interest declaration and each conflict of interest statement by a trustee;
- An excerpt from the minutes of the meeting where the declaration is made;
- The registry may be organized by date, type of meeting and the statement and declaration documents filed for each trustee that declares a conflict of interest;
- The registry can be made public either via a web posting or a publicly accessible file at the Catholic Education Centre, accessible during regular office hours.

DEFINING CONFLICT OF INTEREST:

Conflict of interest legislation is concerned only with pecuniary or financial interests. The *Municipal Conflict of Interest Act* refers to three kinds of financial interests. A conflict of interest arises where a trustee has a direct, indirect or deemed pecuniary interest that is before the Board of Trustees and that interest is not remote.

- 1) Direct Interest – a trustee would have a direct interest if the Board was considering buying property owned by the trustee;
- 2) Indirect Interest – a trustee is the senior officer of a company bidding for a Board contract;
- 3) Deemed – a trustee's spouse, child or parent owns a company that is bidding for a Board contract.

DECLARING A CONFLICT:

If a trustee identifies a direct, indirect or deemed conflict of interest in a matter and is present for a meeting of the Board or Committee of the Board at which the matter is being discussed, he or she must declare a conflict before any discussion of the matter begins.

REPORT:
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The trustee is required to take the following measures to recuse himself or herself:

- 1) Publicly declare the conflict of interest, state the general nature of the interest and have the declaration recorded in the minutes of the meeting;
- 2) File a written statement of the interest and its general nature with the Secretary of the Committee or Board;
- 3) Do not vote on any question in respect to the matter;
- 4) Do not take part in any discussion of the matter;
- 5) Do not attempt to influence the voting on any question related to the matter;
- 6) In a closed session of a Committee or Board meeting, the trustee with a conflict should leave the room for as long as the matter is discussed and have that fact recorded in the minutes.

These changes are reflected in revisions to *Sec. A Procedures – Trustee Code of Conduct*, which is attached as Appendix II.

RECOMMENDATIONS:

That the St. Clair Catholic District School Board receive the report: *Bill 68 Municipal Conflict of Interest Requirements*, for information.

That the St. Clair Catholic District School Board approve revisions to the *Trustee Code of Conduct*, (Appendix II) which reflect the changes in legislation with respect to conflict of interest, effective February 26, 2019.



Statement & Declaration of Interest

Trustee Name: _____

Board/Committee Meeting Date: _____

Agenda Item: _____

Topic: _____

Statement & Declaration of Interest

Signature of Trustee

Date

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