



## Committee of the Whole Report 19-051

19 November 2019

### Revisions to P.025.GOV Board Member Conflict of Interest

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#### PURPOSE:

1. To seek approval of revisions to P.025.GOV Board Member Conflict of Interest in accordance with changes to the *Municipal Conflict of Interest Act* (MCIA) following the passage of Bill 68, *Modernizing Ontario's Municipal Legislation Act*.

#### CONTEXT:

2. There have been changes to the *Municipal Conflict of Interest Act* (MCIA) following the passage of Bill 68, *Modernizing Ontario's Municipal Legislation Act*. The main purpose of the MCIA is to protect the public interest by ensuring that public officials, including school board trustees, do not improperly take advantage of their positions of trust to seek personal gain. Student trustees are subject to the 2007 Ministry of Education Guideline respecting conflict of interest.

Under the MCIA, school board trustees have a duty to disclose their pecuniary interest in any matter at any meeting at which the matter is the subject of consideration. Following the passage of Bill 68, *Modernizing Ontario's Municipal Legislation Act*, additional requirements concerning conflict of interest became effective March 1, 2019.

The changes to the MCIA include:

- Written disclosure of interest: the requirement to file a written statement of the member's interest at the meeting where the matter will be considered, or as soon as possible afterwards.
- Registry: The requirement of school boards to establish, maintain and make available for public inspection the registry of written statements and declarations of interest of members.

#### KEY CONSIDERATIONS:

3. Summary of Key Changes  
The proposed revisions to P.025.GOV (Appendix A) include the following:

- add definitions for Board Member and Meeting of the Board;
  - clarify the definitions of direct, indirect and deemed pecuniary interest;
  - clarify and align the language in the policy with the language in the MCIA;
  - add language to clarify that where a Board member is unclear about a need to disclose an interest under the MCIA, they can consult with the Integrity Commissioner;
  - add the required provisions for Board members to provide written disclosure of interest to the Secretary of the Board; and
  - add the required provisions for the Secretary of the Board to establish, maintain and make available to the public a registry of each statement filed in accordance with the MCIA and P.025.GOV.
4. Related requirements  
In compliance with the changes to the MCIA, staff has established a publically available registry of written disclosures of interest which is accessible from the District website.
5. Relationship of P.025.GOV Board Member Conflict of Interest and the MCIA to P.073.GOV Board Member Code of Conduct  
Failure to disclose a pecuniary interest with respect to a matter before the Board places a Board member in breach of both the MCIA and P.073.GOV Board Member Code of Conduct.

Article 4.50 of P.073.GOV provides that:

“Nothing in this Code of Conduct prevents a Board member’s breach of the *Municipal Conflict of Interest Act* from being dealt with in accordance with that Act.”

## **RESOURCE IMPLICATIONS:**

6. Other than the staff time needed to update the policy and establish the public registry, no additional resources are required in order to be compliant with the MCIA.

## **COMMUNICATION/CONSULTATION ISSUES:**

7. No public consultation is planned given the legislative necessity of these policy changes.

## **STRATEGIC LINKS**

8. The review and confirmation of the Board’s policy on Board Member Conflict of Interest is a legal responsibility and connects to the Social Responsibility objective outlined in the current strategic plan.

## **RECOMMENDATION**

THAT the revisions to P.025.GOV Board Member Conflict of Interest, attached as Appendix A to Report 19-051, be approved.

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Director of Education

## **APPENDICES**

Appendix A: Draft P.025.GOV Board Member Conflict of Interest