

Subject: Bill 68 – Changes to Municipal Conflict of Interest Act – new requirements regarding declarations of interest

Reference:

Date to Council: February 25, 2019
Author: Steve Vlachodimos
Deputy City Clerk, Senior Manager of Council Services
519-255-6100 ext 6488
svlachodimos@citywindsor.ca
Council Services
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Clerk's File #: GP2019

To: Mayor and Members of City Council

Recommendation:

That the report of the City Clerk dated February 12, 2019 entitled “Bill 68 – Changes to Municipal Conflict of Interest Act – new requirements regarding declarations of interest” **BE RECEIVED**; and further,

That the recommended procedural changes for members of Council, agencies boards, commissions and committees of Council (ABC) pertaining to disclosures of pecuniary interest as outlined in this report **BE APPROVED**; and,

That the City Clerk also **BE DIRECTED** to advise all affected ABC's of this new requirement.

Executive Summary:

N/A

Background:

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 has amended the *Municipal Conflict of Interest Act*.

A new section of the *Act* effective March 1, 2019, stipulates two new requirements for elected official or members of Agencies, Boards, Commissions and Committees of the City of Windsor.

First, at a meeting at which a member discloses a pecuniary interest, the member must file a written statement of the interest and its general nature with the Clerk of the municipality or the secretary of the local board. This written statement must be filed at

the meeting or as soon as possible following the meeting at which the relevant matter is considered.

Second, a municipality or local board must establish and maintain a registry of members' statements and declarations of interests. The registry is to be made available for public inspection.

Discussion:

Disclosures of a pecuniary interest are already noted in the minutes of City Council and Committee Meetings. To meet compliance with the new requirements effective March 1, 2019, a sample "form" has been prepared by Administration and is attached as "Appendix A". A supply of these forms will be available in Council Chambers, as well as with staff from the City Clerk's Office and secretaries (designates) of the affected agencies, boards, commissions and committees of Council (ABC's). Administration recommends the following procedure:

1. The member is to complete the written declaration of interest, sign it, and read the statement aloud for the record at the meeting where the matter is being considered;
2. The member is to then provide the Clerk or ABC designate with the original signed copy;
3. The Clerk or ABC designate subsequently prepares the minutes to reflect the written declaration as submitted;
4. The Clerk or ABC designate is to maintain these statements along with a copy of declarations recorded in official minutes, in an official registry in the Office of the City Clerk or the affected ABC office, for public viewing purposes.
5. The Clerk or ABC designate will also maintain an electronic public registry on the City of Windsor or appropriate ABC website, containing all the declared conflicts of interest filed with the Clerk or ABC designate as well as those recorded in the official minutes.

Risk Analysis:

There is no risk to the Corporation of the City of Windsor in keeping written statements of a disclosure of a pecuniary interest. These are already recorded by the City Clerk as part of the minutes which are available to the general public. The requirement for a written statement which would be made available to the public upon request, will further enhance transparency.

Financial Matters:

The requirement to establish a registry of declarations of interest will not result in any additional cost to the City.

Consultations:

Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO).

Conclusion:

Beginning March 1, 2019 City Councillors and members of the Agencies, Boards, Commissions and Committees of the City of Windsor are required to submit, in writing, any disclosures of pecuniary interest. These will be kept in a registry in the Office of the City Clerk or ABC, for public viewing upon request, in the manner and during the time that the municipality or ABC, as the case may be, may determine, and also available for viewing on the appropriate website.

Planning Act Matters:

N/A

Approvals:

Name	Title
Steve Vlachodimos	Deputy City Clerk/ Senior Manager of Council Services
Valerie Critchley	Corporate Leader for Public Engagement and Human Services City Clerk Licence Commissioner
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 DECLARATION OF INTEREST