



Ontario Catholic School
Trustees' Association

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February 7, 2019

MEMORANDUM

TO: Chairpersons and Directors of Education
- All Catholic District School Boards

FROM: Beverley Eckensweiler, President

SUBJECT: **Bill 68 Municipal Conflict of Interest Requirements - Update**

Summary:

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.

OCSTA has drafted a template **conflict of interest declaration form** to assist boards with these requirements (attached).

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 publically accessible file at the board office, accessible during standard office hours.

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Background Information:

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:

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 at a meeting of the board or committee of the board which the matter is being discussed, he or she must declare a conflict **before** any discussion of the matter begins. The trustee is required to take the following steps:

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 (effective March 1, 2019);
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 conflict should leave the room for as long as the matter is discussed and have that fact recorded in the minutes.

Filing Trustee Campaign Financial Statements:

As a reminder, all trustees are required to complete and file accurate campaign financial statements by 2:00 pm on March 29, 2019. If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

If you have any questions please contact myself or Stephen Andrews at sandrews@ocsta.on.ca.

Attachment

TEMPLATE

NAME OF BOARD
BOARD CONTACT INFORMATION

Statement & Declaration of Interest

Trustee Name: _____

Board/Committee Meeting Date: _____

Agenda Item: _____

Topic: _____

Statement & Declaration of Interest

Signature

Date

Date Filed in Registry