



REGULATIONS

SUBJECT: Conflict of Interest - Trustees

Background

The *Municipal Conflict of Interest Act* applies to schoolboard trustees and members of advisory committees and other committees established under the *Education Act*. The main purpose of the conflict-of-interest legislation is to protect the public and ensure that public officials do not benefit financially from their position of trust. Conflict-of-interest legislation is concerned only with pecuniary, or monetary, interests.

The *Municipal Conflict of Interest Act* refers to three kinds of pecuniary interest: direct, indirect, and deemed.

- A trustee who owns property would have a direct interest if the board was considering purchasing the property.
- A trustee would have an indirect interest if the trustee is a senior officer of a company bidding for a board contract.
- A trustee would have a deemed interest if the trustee's spouse, child, or parent owns a company that is bidding for a board contract.

If there are any doubts about a possible conflict of interest, Trustees should seek legal advice.

1. The Trustee must publicly declare a conflict of interest, state the general nature of the interest and have the declaration recorded in the minutes before any discussion of the matter begins.
2. The Trustee must file, with the Secretary of the Board or Board Committee, a signed written statement of interest, indicating their name, date, type of meeting and general nature of the conflict. The form must be completed at the meeting or as soon as possible following the meeting.
3. The Trustee must not vote on any question in respect of the matter.
4. The Trustee must not take part in the discussion of the matter.
5. The Trustee must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect to the matter.
6. When the Board or a Board Committee, is in private session, the Trustee must leave the room while the matter is under consideration and have the fact that they left the room recorded in the minutes. At the next meeting that is open to the public, the declaration of interest shall be recorded in the minutes but not the general nature of that interest.

7. If a Trustee is absent from a meeting during which the Trustee would have been placed in a conflict of interest, at the next meeting attended by the Trustee, the Trustee must disclose the interest and otherwise refrain from discussing, influencing or voting on the matter.
8. Administration will maintain a registry of statements and declarations of conflict of interest of Trustees and make the registry available for public inspection.

Implementation Date: February 26, 2019

Reference: Bill 64 *Modernizing Ontario's Municipal Legislation Act*
Municipal Conflict of Interest Act (MCIA)
LKDSB Policy