



REPORT TO

REGULAR BOARD

BILL 68 – CHANGES TO THE MUNICIPAL CONFLICT OF INTEREST ACT

A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.” John 13:34-35 NIV

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P. Matthews, General Legal Counsel

INFORMATION REPORT

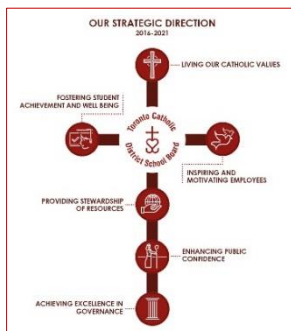
Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

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Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

Bill 68 made important changes to the Municipal Conflict of Interest Act. The two most important changes that will regularly impact Trustees are:

- i. Trustees who declare a conflict of interest will now be required, effective March 1, 2019, to file a written statement with the secretary of the Board disclosing the Trustee's interest and the general nature of the conflict.
- ii. The Board will be required, effective March 1, 2019, to maintain a registry where copies of such written statements may be accessed by members of the public.

The cumulative staff time required to prepare this report was 3 hours

B. PURPOSE

This report highlights two significant changes, as well as other changes to the Municipal Conflict of Interest Act.

C. BACKGROUND

The modernizing Ontario's Legislation Act, 2016 also known as Bill 68 made important amendments to the *Municipal Conflict of Interest Act* ("the Act") which are scheduled to come into effect on March 1, 2019.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The following are the changes to the Act which come into effect on March 1, 2019:
 - i. At a meeting at which a trustee declares a conflict of interest, the trustee shall file a written statement of the interest and its general nature with the secretary of the Board (i.e. the Director of Education).
 - ii. Where a trustee, either on his or her own behalf or while acting for, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or the Board, the trustee shall not use his or her office in

any way to attempt to influence any decision or recommendation that results from consideration of the matter.

- iii. The Board is required to establish a registry which will contain:
 - a. Copies of written declarations made as prescribed in paragraph (i) above, and
 - b. A copy of the minutes from the meeting that documented that declaration of a conflict of interest
- iv. The registry described above must be available for inspection in the manner and during the time that the Board determines.
- v. Any member of the public, in reviewing the information in the Board's public registry or from any other source, will be entitled to make an application to a court to determine whether any trustee has acted contrary to the *Municipal Conflict of Interest Act*. ***This is a departure from the legislation's previous provisions extending this right to only an individual who qualified as an elector of the trustee in question.***
- vi. Where an application is made to a court alleging that a trustee has violated the *Municipal Conflict of Interest Act*, the court will now have discretion to consider whether the trustee took reasonable measures to prevent the contravention, including considering whether the trustee consulted with the municipal Integrity Commissioner.
- vii. In line with the new discretion to take trustees' reasonable measures into account, courts will also have a new ability to impose a range of penalties for contraventions of the *Municipal Conflict of Interest Act*. This range of penalties runs from lesser penalties such as a reprimand and suspension of remuneration, to more significant penalties such as declaring the trustee's seat vacant, disqualifying the trustee from running for re-election for up to 7 years, and ordering financial restitution where the trustee has made financial gain as a result of his or her contravention. Under the previous regime, only the more significant of these penalties were available and were applied to any circumstances where a trustee had violated the *Municipal Conflict of Interest Act*, regardless of any mitigating factors.

2. Please see **Appendix A** for two (2) memos received from OCSTA with respect to Bill 68.
3. The TCDSB Form upon which a Trustee shall file a written statement of the interest and its general nature with the secretary of the Board is found in **Appendix B**.

E. METRICS AND ACCOUNTABILITY

1. The TCDSB registry, where copies of written statements of a Trustee's conflict of interest, will be maintained by the Secretary to the Board, supported by the Recording Secretary.
2. This registry may be accessed by members of the public

F. CONCLUDING STATEMENT

This report is for the consideration of the Board.