

Conflicts of Interest: Municipal Council Members



**Ombudsman
Saskatchewan**
Promoting Fairness

It is not wrong
or unusual to
have a conflict
of interest
in a matter
before council.
**It's what you
do about it
that matters.**

Do you know what to do?

As a council member, you have a duty to **represent the public** and **act in the municipality's best interests**. Your private interests **cannot conflict** with your public duties.

What is a conflict of interest?

A **conflict of interest** happens when your public duties conflict with your private interests or the private interests of people close to you – such as a family member, close friend, business partner or your employer. Conflicts of interest can involve financial interests or personal interests.

If you participate in making a decision as part of your public duties and you know (or ought reasonably to know) that this would give you an opportunity to further your private interests (or the private interests of a person close to you), you have a conflict of interest. As a council member, you cannot, whether before, during or after a council meeting, attempt in any way to influence the discussion or voting on any matter before council in which you have a conflict of interest.

Addressing conflicts of interest appropriately is about being ethical, which is essential to good governance.

Council Members Must Declare and Disclose Conflicts of Interest

The Cities Act, The Municipalities Act, and The Northern Municipalities Act, 2010 require council members to address conflicts of interest. If you know you are in a conflict of interest at a council meeting, or you ought reasonably to know you are in a conflict of interest, you must take certain steps:

Step 1: DECLARE you have a conflict of interest before any consideration or discussion of the matter.

Step 2: DISCLOSE what the conflict is, and why and how it might affect your impartiality as a council member.

Step 3: ABSTAIN from voting on any question, decision, recommendation or other action council is considering about the matter.

Step 4: REFRAIN from participating in any discussion about the matter, inside or outside the meeting room.

Step 5: LEAVE the room until the discussion and voting on the matter have concluded.

You must **DECLARE, DISCLOSE, ABSTAIN, REFRAIN** and **LEAVE** at every council meeting where the matter is discussed.

If you were not at a council meeting when the council discussed or made a decision about a matter in which you have a conflict of interest, you have to **DECLARE** and **DISCLOSE** it at the next meeting you attend.

Every declaration of a conflict of interest must be recorded in the meeting minutes.

Failure to Address a Conflict of Interest

If you fail to address a conflict of interest as required, you are disqualified from council, must resign immediately, and are not eligible to be nominated or elected to a council of *any* municipality for 12 years.

Seeking Advice About a Conflict of Interest

As a council member, it is your personal responsibility to decide whether you have a conflict of interest and then to declare it at a council meeting. It is not the responsibility of anyone else, including fellow council members or municipal staff.

If you are not sure whether you have a conflict of interest, you may wish to seek legal advice. Always follow your code of conduct.

The Ombudsman's Role

Ombudsman Saskatchewan is independent and impartial. We take complaints about the administrative decisions and actions of municipalities and about council member conduct. When appropriate, we try to resolve complaints informally through coaching, facilitated communication and informal mediation. We can also formally investigate complaints and make official recommendations.

We are an office of last resort. If there are local complaint-handling or appeal processes available to complainants, they must be used before we become involved.

Like you, our primary goal is to improve services to the public and we will work with municipal officials to find constructive solutions to the concerns raised to our Office.

HOW TO CONTACT US

Our services are free and confidential.

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