

# 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.

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## **What is a conflict of interest?**

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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 to improperly further the private interests of another person), 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.

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## Council Members Must Declare and Disclose Conflicts of Interest

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*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:

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

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

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

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

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

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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.

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## **Failure to Address a Conflict of Interest**

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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.

If you do not resign as required, your council can declare your seat vacant, or your council or a voter may apply to a judge for an order to enforce your disqualification.

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## **Seeking Advice About a Conflict of Interest**

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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 ethics.

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## **The Ombudsman's Role**

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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.

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## **HOW TO CONTACT US**

Our services are free and confidential.

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### **Regina Office**

500 – 2103 11th Avenue  
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Tel (306) 787-6211  
Toll Free 1-800-667-9787  
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### **Saskatoon Office**

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### **Online**

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