



Municipal Fact Sheet

Conflict of Interest Checklist for Council Members

DO YOU HAVE A CONFLICT OF INTEREST?

Figuring out whether a situation creates a conflict of interest and what to do when a conflict of interest arises can be complicated. *The Municipalities Act* sets out rules for council members, along with an extensive list of exceptions to the rules. But it also confirms that the common law rules – which are not set out in the Act and cover more situations than the rules in the Act – still apply.

To avoid conflict of interest issues, all council members should ask themselves the following questions, and, if they answer ‘yes’ to any of them, there may be a potential conflict of interest that needs to be addressed:

- Am I, or is someone close to me (e.g. a family member, a friend or business partner) likely to be directly affected (negatively or positively) by the decision, issue or situation that is being discussed or decided?
- Do I, or does someone close to me, have an interest in, or hold a position in, a company or organization that is likely to be affected?
- Am I, or is someone close to me, likely to have a financial gain or loss as a result of the decision, issue or situation that is being discussed or decided?
- Have I, or has someone close to me, received a gift (money or otherwise) from a person, company, or organization that is likely to be directly affected?
- Am I uncertain of my ability to act impartially and in the public interest?
- Could a person with knowledge of the situation reasonably perceive that my ability to carry out my public duties impartially could be influenced as a result of me or someone close to me, having a private interest in the decision, issue or situation that is being discussed or decided?

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.

STEPS TO TAKE IF YOU HAVE A CONFLICT OF INTEREST

If you have a conflict of interest in a matter before council, *The Cities Act*, *The Municipalities Act*, and *The Northern Municipalities Act, 2010* require you to:

- Declare** that you have a conflict of interest before any consideration of the matter.
- Disclose** what the conflict is, and why and how it might affect your impartiality as a council member.
- Abstain** from voting on any question, decision, recommendation or other action council is considering about the matter.
- Refrain** from participating in any discussion about the matter.
- Leave** the room until the discussion and voting on the matter have concluded.

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