



Conflict of Interest Checklist for Council Members

How do you know if you are in a conflict of interest?
If you are, what should you do?

1 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, The Cities Act, and The Northern Municipalities Act, 2010* set out the rules, and the related Regulations add some guidance. Council members are not to participate in decisions as part of their public duties that could further their private interests or improperly further the private interests of another person.

To avoid conflicts of interest, council members should ask themselves the following questions, and if they answer 'yes' to any of them, there may be a 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 ethics.

2 WHAT TO DO

If you have a conflict of interest in a matter before the 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.



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