

Council Chambers
March 26, 2008

Council convened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach (left at 7:55 p.m.) and Salisbury

Absent: Councillors Laidlaw, Piper and Wettstein

Staff Present: Ms. L.E. Payne, Assistant Chief Administrative Officer/City Solicitor; Mrs. L.A. Giles, Director of Information Services/City Clerk; Ms. T. Agnello, Deputy Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

The Mayor advised that the purpose of the meeting was to provide Councillors with information on conflict of interest.

The Assistant Chief Administrative Officer/City Solicitor introduced George Rust-D'Eye and Robert Mullin, solicitors with experience in the municipal sector.

Mr. George Rust-D'Eye advised that you do not declare a conflict of interest but that you declare a pecuniary interest in a matter. He suggested that it is wise to err on the safe side when in doubt, as there is no penalty for declaring an interest when you are not sure. A member of Council also has to be aware of possible pecuniary interest of another party which the Act may attribute to the Council member, such as a partner, an employer, a parent, a spouse (including conjugal relationship) and a child. The said interest must be declared prior to any consideration of the matter at meetings. When a Councillor has declared an interest, they must comply strictly with every requirement of the Act. He stressed that the Act applies to both direct and indirect pecuniary interests and not just during or at

a meeting, but a member of Council cannot do anything to try to influence the vote.

He also stated that if a member of Council has a pecuniary interest that person may not either before, during or after a vote discuss or influence the decision of council in any way. Therefore, although not required by the Act, it is advisable for the member of council to leave the room when there is discussion or the vote is taken as their presence in the room during the discussion or vote may be construed as influencing the discussion or vote.

He further advised that a breach of the Act may lead to a finding of contravention which may lead to the Member's seat being declared vacant. He suggested that if a Councillor discovers that they have unknowingly contravened the Act, they should obtain legal advice from an outside legal firm, as the City's Solicitor is not in a position to provide personal legal advice to members of Council.

Mr. Robert Mullin provided additional information with respect to the Municipal Conflict of Interest Act. He provided further information and clarification in response to questions from Councillors.

ADJOURNMENT

The meeting adjourned at 8:20 o'clock p.m.

Minutes read and confirmed April 28, 2008.

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Mayor

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Clerk