

## ***AMENDMENTS TO THE MUNICIPALITIES ACT AND THE MUNICIPALITIES REGULATIONS***

The province introduced the conflict of interest amendments to *The Municipalities Act* (MA) in November 2015, requiring public disclosure statements, a council procedures bylaw, and an employee code of conduct. As of October 26, 2016 the legislation will also require that municipalities implement a Council Code of Ethics Bylaw and use the new Oath of Office. Additionally, a prescribed minimum Code of Ethics and Oath of Office are now included in *The Municipalities Regulations*.

**NEW Section 93.1** requires council to adopt a Code of Ethics by bylaw within 120 days of October 26, 2016 (February 23, 2017). The Code of Ethics bylaw:

- defines how members will act when dealing with members of council, municipal employees, and the public;
- must include the prescribed minimum Code of Ethics set out in regulations; and
- sets out a process to deal with contraventions of the Code of Ethics.

The Code of Ethics may also include:

- provisions for members of committees, controlled corporations, and other bodies established by council who are not members of council;
- rules regarding censure or suspension of a member of council who has contravened the Code of Ethics, subject to regulations;
- policies regarding accepting gifts or benefits; and/or
- any other statement of ethics or standards determined appropriate by the council.

The prescribed minimum Code of Ethics is found in Schedule 1 Part III of the Appendix of *The Municipalities Regulations*.

**NEW Section 93.2** states that the prescribed Code of Ethics is deemed to be adopted when a Code of Ethics bylaw has not been adopted by the date required February 23, 2017.

**AMENDED Section 94** continues to require each member of council to take an official Oath or Affirmation in the prescribed form (Form A of Part I of the Appendix of *The Municipalities Regulations*) prior to commencing their duties. The amended provisions clarify that the Oath or Affirmation includes statements that the member:

- is qualified to hold office;
- has read, understands, and will comply with the Code of Ethics and other rules of conduct and procedures applicable;
- has not received and will not receive payment or reward for the exercise of office or corrupt practices;
- promises to perform the duties of office; and
- shall disclose any conflict of interest.

**NOTE:**

The Oath is an accessible public document under section 117 of *The Municipalities Act*.

\*At this time, all council members, including current council members, shall read the prescribed Code of Ethics (found in regulation) and then take the new Oath or Affirmation. When the council adopts its own code of ethics, council members are required to retake the Oath.\*

**Section 3.2 of REGULATIONS** help clarify clause **142 (6)(a) of the MA**

A member of council must provide a written amendment to the public disclosure statement if a conflict of interest is declared that:

- (a) has not been previously disclosed on his or her public disclosure statement; and
- (b) is information or a matter that is required to be disclosed on the public disclosure statement.

The administrator will make any changes as noted by the member of council and date when the change was noted.

\*A council member may revise his/her disclosure statement any time a material change occurs or if he/she or another person notices an error or omission. A member of council is required to **declare** any and all conflicts of interest in matters, not only those relating to the information on his/her disclosure statement.\*

**Further Information**

Questions or comments about this bulletin can be directed to a municipal advisor by calling 306-787-2680.

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