

## How can conflict of interest rules be improved?

### Responses

Everyone related to each other in small communities so hard to get away from conflict issues.

Should be a number set to the financial component of conflict of interest (too strict) - Anything less than \$1000 should not be concerned about conflict of interest.

The regional appeal board (3rd party) should make decisions about conflict of interest.

Conflict is difficult in small towns because so many people are related.

The mayor should decide if there is a conflict of interest and the town clerk/manager should inform mayor of any issues.

Conflict needs to be more defined.

Conflict of interest rules should be prescriptive.

Penalties for conflict of interest are too strict (need to keep councillors so this penalty hurts the whole council and makes their lives more difficult).

Progressive discipline for conflict of interest.

Conflict of interest rules prevent councillors from being as involved and prevents others from running.

Appeals should not be going to court but be dealt with by 3rd party.

Need a more specific definition of conflict.

Better definition of conflict of interest.

Staff should be able to enforce conflict of interest rules.

Department of MAE should be able to review conflict....independent review process.

More training for conflict of interest so there is a better understanding by everyone.

If a seat is vacated, the councillor should be able to appeal to MAE.

Government should not be able to determine if you are in conflict of interest.

Government should be enforcing rules more.

Council knows best- they need to be able to determine conflict of interest as it is now.

Right now, it's up to council to decide if a fellow Councillor is in conflict.

Council should be given options depending on conflict or the violation. Vacation of seat is too severe in some circumstances.

Government should have more of a role (advising) in identifying what is a conflict.

There is too much personal involvement and feelings in conflict of interest decisions.

An independent tribunal could take some pressure off of councils.

Anonymous letters should never happen - if you can't put your name on something, you shouldn't put it out there.

There are too many personal feelings in conflict decisions.

Disagreement on that "anonymous letter" statement - if someone has an issue with their aunt, an anonymous letter might be the only option for someone.

There should be a time frame applied to go back and look at conflicts that have happened in the past. Statute of limitations?

MAE needs to make the appeal decision on conflict of interest.

If a conflict of interest happened with a previous council, the new council should not have to deal with it. Others disagreed with this and saw potential abuse.

Some general discussion around conflict of interest rules - particularly from participants from LSDs.

An appeal board composed of MAE officials should be created.

When a conflict of interest is brought forward, it should be dealt with in a specific timeframe.

There needs to be a more black and white definition of what conflict of interest is.

There was debate regarding whether a conflict of interest complaint should be anonymous. Some table participants thought it should remain anonymous, while others thought people should identify themselves.

It comes down to monetary gains- that is what conflict of interest is.

MAE should investigate the conflict.

If provincial government was more of a partner in governance, they could potentially be the next step before court processes in relation to conflict of interest situations.

Sometimes it's not clear if there's a conflict, so support and tighter definition to help interpret those cases would be beneficial.

Conflict of interest should apply to certain staff positions as well.

Some specific discussion and questions around some issues that may or may not be conflicts and some of the processes.

If the legislation was clear enough then council should be able to make the decision.

There needs to be a smaller penalty for conflict of interest. Vacating a seat is too strong!

Conflict of interest training. Should it be mandatory? Should training be done before councillors have to deal with a case of conflict of interest?

There shouldn't be progressive discipline- too lenient.

Legislation needs to be more clearly defined - less legal mumbo jumbo - if the legislation was more clearly written (or even give examples) and MAE could help advise people on conflicts, it would be easier.

Sometimes people hide behind legislation.

Conflict of interest in a small town - everyone knows what is going on.

Difficult in smaller communities as same people are involved in many different activities and organizations.

Need to ensure there are impartial people involved to make decisions.

MAE should play a larger role to support communities.

Many people in smaller communities are related – councilors and residents.

COI rules should be consistent for all communities across the province.

Clear legislation needs to be set.

All communities need orientation/training on COI (provided by MAE).

Should be an appeals board in place rather than having to use justice system (very expensive).

Appeals board should be an impartial 3rd party (i.e. MAE, other towns, residents).

Penalties should be based on the severity of the violation (i.e. intentional vs unintentional).

Need to ensure people are fully aware of COI rules and procedures – will help avoid violations.

LSD - everyone is related to each other which makes conflict of interest issues difficult to deal with.

A lot of grey areas - councillors are afraid of perceived conflict.

Definition needs to be broadened.

Conflict of interest should not just be about money, should include any personal gain.

There should be exemptions because it feels like council meetings are spent in constant fear of being in conflict of interest.

The term conflict of interest needs to be clarified - too broad.

Act should define conflict of interest and perceived conflict of interest.

Define perceived conflict. Once elected your master is your council and not who you were involved with before. Therefore you should not participate in any discussion that involves your prior interests to reduce your influence because seen as directly benefiting self.

Define conflict. Does the perception mean more than the fact?

All staff and councillors should be included and all should declare if they are involved in a group - you step away and not be involved in discussion.

Rulings on an exemption - have someone conduct a review to determine whether there is conflict of interest and then use ruling going forward (ex. do at beginning of term and ruling will be good until end of term).

Conflict refers to financial issues for many.

Current penalty a bit over the top.

Councils and councillors should be responsible. Council should have authority to deal with conflict of interest and the accountability of councillors. Have 3rd party such as Municipal Affairs to provide input on decision.

In smaller towns there is a lot of transparency with peoples' connections, so conflict of interest isn't as big of an issue.

Appropriate penalties - this needs to be reviewed. Conflict needs to be defined and the penalties should be appropriate for the behavior.

Who enforces the penalty and level of discipline?

Current conflict of issues may be preventing people from running.

Current penalty is too severe as seat has to be vacated. Should include suspensions.

A lot of grey areas and a lot of confusion and fear over what is conflict of interest and if they be accused of it.

Penalty - should be suspension until a ruling is made and not all penalties should end with a dismissal. There needs to be levels of discipline.

Difficult in a one industry town to avoid conflicts at times.

Democratic aspect requires that councillors represent all citizens and advocate for issues but that gets restricted by conflict situations.

There is difficulty understanding conflicts of interest and the provisions around it.

The rules are too restrictive and do not take account actual effect or influence, particularly the employment provision.

Ramification/penalty (vacating of the seat) is too strict and doesn't take into account the various ranges of conflict.

Should be limited to personal monetary gain.

Independent appeal/decision maker when there is a disputed conflict.

Is an issue for all towns.

In small towns many people are related – hard to avoid conflict. It happens too often so we need some exemptions.

Need a complaint process to allow the public to address perceived conflict of interests instances by council.

Also need an investigation process (i.e. Call provincial government, Identify 3rd party to investigate – government staff or could be councillors from other towns (not communities nearby).

Who's going to pay for the investigation?

Town clerk/manager could have a duty to identify potential conflicts of interests for councillors before meetings happen – then up to councillor to decide if they will declare they are in conflict.

Very difficult to solve issues related to conflict.

More clarity on what constitutes conflict might help.

Punishment of having to vacate seat if in violation is too harsh - maybe a sliding scale of ramifications.

Too many people related - especially in small towns.

Current rules in small municipalities can prevent good decision making.

Conflict provisions should apply to council and staff.

Definition is fine - should be focused on monetary.

Problem is with the public's perception of it.

Need to leave often due to possible conflict of interest.

Relatives being involved creates a lot of situations of people being excluded from decisions.

Definition too broad and too much interpretation.

Conflict of interest should be less restrictive.

Penalty of having to vacate seat fair if conflict is intentional, but maybe should just be a warning if not intentional.

Conflict of interest should involve monetary gains and family/business connections.

Appeal - should be handled by a 3rd party - should not go to lawyers.

Training plays an important role in understanding conflict.

More clarity.

Definition has to be crystal clear.

Conflict provisions should address connections to childhood guardians, in the event they are outside the listed connections.

In small communities we could use referendums.

Should not be conflict of interest if it involves organizations and charities. Should only be conflict if there is personal monetary gain.

Conflict provisions should apply to council and senior staff/management - anyone involved in influencing decisions.

Conflict of interest should apply to all decision makers.

Penalty is too strict in some situations. There should be a sliding scale that is more relative to the infraction.

Councillors should be enforcing it.

Needs to be a level of respect and trust.

Harshness of current penalty is preventing people from running from council.

There should be something in the legislation that gives authority to the province in the event that someone takes part of a decision when they are knowingly in conflict.

Should be some flexibility and or limits on conflict allegations related to money. (i.e. minimum of \$1000)

Conflict of interest rules need to be more concise and more broadly defined/more detailed.

Council's discretion whether there was a conflict of interest.

Rather than have to go to court MAE should be involved in appeals.

Right now, the decision of council regarding conflict of interest is final. There should be an independent appeal process for this.

Should be a municipal ombudsman to decide and arbitrate on conflict issues.

MAE is the appropriate entity for appeals. Not a third party.

Options for penalties could include: vacating seat in extreme instances; being temporarily suspended for smaller infractions.

Don't really have any issues with it. With small community though everyone knows everyone and many people are related so conflict of interest everywhere.

Most people do things wrong when money is involved. If it makes their buddy money, then more tendency to do something wrong. When no money involved, people tend to do the right thing.

Penalty for conflict of vacating seat is too harsh.

People on committees. Only unless you are an executive on committee, you are in conflict. I think if you are on committee at all you should be in conflict.

Committees often bring things to council for money, some members on committees should have to declare conflict.

Who should conflict of interest rules apply to? They should apply to everyone. Sometimes even the public could have a conflict of interest. Anyone who is involved.

Smaller communities have a lot of people related. Would lead to having to remove yourself from everything and not be able to do anything.

Should just apply to making the decision. For example the town clerk has no vote, so should not have any conflict of interest issues.

Employees should have their own code of conduct.

Penalty for those who don't disclose. Sometimes honest mistake. Everything needs to be investigated.

Needs to be an investigation first. If determined intentional, then they should be dismissed first time.

LSDs have no structure and thus open to abuse.

If there is an appeal process, there could be appeal board set up. It would have to be people from outside the community. A 3rd party.

However this costs money. The courts can do it now but it's expensive.

Vacating seat is appropriate in some cases, but education might be appropriate in others, as people sometimes are not aware.

No better process.

MAE should have direct role in determining conflict. Not done within the councils.

Who should enforce? The way it's set up now works but depends on the people you have on council. Hopefully everyone's honest.

Hard to have peers judge for conflict. MAE refuses to give direct advice.

Do not think current rules prevent councillors from participating in discussion.

In the past, people have not left the room as council was not aware of the rules. Now councillors would have to leave the building.

Court is not the right avenue dispute resolution. Needs to have an appeal process in MAE.

3rd party appeals process is needed to keep the process feasible.

Training should be mandatory. It should be included in councillor orientation within a certain timeframe after election.

Councillor orientation should be mandatory and conflict of interest should be a part of it. It's not mandatory now. It should be mandatory for councillors only. Staff should have their own separate mandatory training.

Training now is sufficient.

Different severities of conflict has to be dealt with differently.

MAE needs to provide more training on conflict.

Mandatory training for all community Councillors.

The conflict of interest rules should remain the same. The council members of municipalities should be trained in what the rules of conflict of interest are and know the exact definition, so that they have guidelines to go by and thus they will know exactly what a breach of conflict of interest is. x4 (council members decide)

Should be clearly defined what constitutes conflict. Small communities have to be clear about what membership they can benefit from.

Need to be more black and white description.

We want to make decisions on our own but also want the right to have the province make our decisions.

Such small areas see all members are interrelated. Son in law and daughter and law need to be in there.

Need to be clearly defined.

Businesses have a vested interest in small towns. Are they really in conflict? Not too clear. We need more description.

The rules are not clear. Many people are related in the area and not a lot of options for businesses within these regions.

Different people have different perspectives and most people are doing volunteerism vs work/employed. That is what needs to be defined for conflict of interest.

Much better definition of conflict.

This part of the legislation works.

Council decision is final on these issues. Really needs to be tightened up.

Needs to be taken out of council's hands to make these decisions. Otherwise it needs to be tightened up when there are no other places to go for services, especially in these small communities.

Mandatory training for each council...some standards have to be upheld.

Retroactive conflicts - there needs to be a motion or resolution to change them. Appeals boards. Rescind the motion to get it changed.

Conflict of Interest should be its own Act.

Should be applied to the all elected councillors.

Not all conflict is based on monetary gain and the definition should reflect this.

Definition of conflict of interest not clear.

Everyone knows everyone and a lot of people are related which makes it difficult.

Need clarity.

Councillor should have flexibility to remove themselves due to perceived conflict.

Council should be responsible - and should be brought to MAE depending on level of conflict of interest.

Conflict of interest should not always be the decision of council.

Conflict of interest issues should always be able to go to a higher authority.

Penalty for conflict of interest could be on a sliding scale not immediate dismissal.

If issue not dealt with properly at municipal level, should it be able to go to provincial level.

LSD - says always refers to municipal affairs for input.

Appeal of a dismissal could be to a board rather than the court.

Lose spot on council if you do not follow conflict of interest rules.

Clarity needed regarding perceived, actual or indirect conflict of interest.

Decision should continue to be a majority decision of council.

Staff and councillors are obligated to disclose any knowledge of conflict of interest.

Municipal staff should have input in identifying potential conflicts of interest.

Legislation should set out examples of Conflict of Interest.

A lot of uncertainty about conflict of interest.

More clarity.



Transparency of council interests - such as declarations posted online upon election.

Indirect financial gain - what defines?

Perceived conflict of interest - causes a lot of fear.

Should be able sit in to ask questions/answer questions as a resident.

If a councillor is in conflict, should demonstrate how they are in conflict (to prevent people from leaving when difficult decision to be made and using as excuse).

Clear definition.

Clear criteria.

Legislation should have conflict of interest guidelines.

Consideration of perceived conflict - perhaps should be conflict.

What is direct and indirect financial benefit?

With clear criteria we shouldn't need appeals.

Legislation should not set out examples because they are in the councillor handbook.

Act should be clearer.

No tools to address harassment and discrimination on council.

Council enough to decide on conflict of interest.

When there is a perceived conflict - when in doubt stay out.

MAE should have the final say if there is a conflict of interest.

Removal of council members or staff if they violate conflict of interest rules.

Intentional conflict of interest should lead to dismissal and if mistake is made a warning or different penalty may be appropriate. Need someone governing conflict of interest in the province (independent objective person).

MAE should provide training on conflict of interest rules.

More support from MAE to determine conflict and settle cases.

Should apply to people with voting power.

Councillors only.

Set up a conflict of interest office.