

**Toronto Public Library Board Members – Written
Statements of Disclosure under the Municipal Conflict of
Interest Act**

Date:	February 25, 2019
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to summarize the impact the amendments to the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* (the Act) will have on meetings of the Toronto Public Library Board. Amendments to the Act coming into effect on March 1, 2019, require members of local boards to file written statements disclosing conflicts of interest declared under the Act. Local boards will also be required to establish a registry of conflicts of interest declared under the Act, which must be available for public inspection.

Toronto Public Library Board Members are required to complete a declaration of interest form for conflicts of interest under the Act (Attachment 1), whether present or absent from a Board meeting. It remains the responsibility of Board Members to identify when they have a conflict of interest.

FINANCIAL IMPACT

There is no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

DECISION HISTORY

On February 22, 2016 the Board adopted the Toronto Public Library Board Code of Conduct (the Code) to establish a common ethical framework for all Board Members, to support good governance, and to maintain public trust in the Library as a transparent and accountable public institution. Section 7 pertains to conflict of interest:

<https://www.torontopubliclibrary.ca/content/about-the-library/pdfs/board/meetings/2016/feb22/17-tpl-board-member-code-of-conduct.pdf>

On March 21, 2016 the Board adopted a revised Toronto Public Library Board Procedural By-law (the By-law). Most of the basic rules in the by-law are the same as the previous by-law last revised in 2008. Section 17 pertains to conflict of interest:

<https://www.torontopubliclibrary.ca/content/about-the-library/pdfs/board/meetings/2016/mar21/10-tplb-procedural-by-law-revisions.pdf>

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent on May 30, 2017. This Bill amends the *Municipal Conflict of Interest Act*. Amendments to the Act come into effect on March 1, 2019:

<https://www.ontario.ca/laws/statute/S17010>

ISSUE BACKGROUND

The Toronto Public Library has two obligations to report conflicts of interest, under the Municipal Conflict of Interest Act and under the Toronto Public Library Board Code of Conduct. Conflicts declared under either the Act or the Code are recorded in the meeting minutes.

Municipal Conflict of Interest Act Declarations

The Act¹ requires Board Members to declare conflicts of pecuniary interests, direct or indirect, of a Board Member, a Board Member's parent, spouse, or child and certain businesses a Board Member has a stake in, as defined by the legislation. The amendments to the Act will require written declarations for such conflicts of interest.

Toronto Public Library Board Code of Conduct Declarations

The Code² further defines Conflict of Interest, expanding it to include a Board Member's non-monetary interests, as well as the interest of a Board Member's friends and organizations that the Board Member is associated with, including non-profits. The Code also notes that a Board Member's private interests, financial or otherwise, and the interests of their family, friends or organizations with which Members are associated, should never compete with their duties and responsibilities to the Board. The Code also commits Board Members to act in the public interest and not engage in conflicts of interest, both apparent and real.

As library boards are established under the *Public Libraries Act*, the Board is excluded from the jurisdiction of the City of Toronto's Integrity Commissioner under the *City of Toronto Act, 2006*, and the City of Toronto's Code of Conduct for Members of Local Boards (Restricted Definition) does not apply to the Library Board. As such, the Library Board adopted its own code of conduct to address such matters as conflict of interest.

¹ <https://www.ontario.ca/laws/statute/90m50>

² <https://www.torontopubliclibrary.ca/terms-of-use/library-policies/tpl-board-member-code-of-conduct.jsp>

Key Differences between Interest Declared under the Act and under the Code

The chart below summarizes key differences between conflicts of interest as declared under the Act and those declared under the Code:

	Municipal Conflict of Interest Act	Toronto Public Library Board Code of Conduct
Conflict of interest pertains to monetary interests	Yes	Yes
Conflict of interest pertains to non-monetary interests	No	Yes
Obligation to disclose	Yes (Required by law)	Yes (Obligated by Code)
Conflict of interest noted in the meeting minutes	Yes	Yes
Requirement to complete written Declaration of Interest form	Yes	No
Declarations included in online registry	Yes	No

COMMENTS

Principles under the *Municipal Conflict of Interest Act*

The amended Act also contains principles in relation to the duties of members of councils and local boards:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interests of members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Responsibility of Board Members

It is the responsibility of each individual Board Member to identify when they have a conflict of interest, whether under the Act or under the Code. City of Toronto Legal Services, the Secretary of the Board (the City Librarian or her delegate), or any TPL staff cannot provide advice about whether a member has a conflict of interest.

As per the Act and TPL's Procedural By-law, a Board Member must declare a conflict of interest at the beginning of the meeting, on arrival at the meeting, or if not present at the meeting, at the next meeting attended. A Board Member who has declared a conflict of interest in a matter must not take part in the discussion, must not vote, and must not try to influence the voting, on the matter before, during or after the meeting. If the matter which the Board Member has declared a conflict of interest is being discussed in a meeting that is

not open to the public, the Board Member shall leave the meeting or the part of the meeting when the matter is under consideration.

TPL Practices for declaring a conflict of interest

The Secretary of the Board will continue to record in the meeting minutes all declared conflicts of interest, both as defined by the Act and as defined by the Code.

TPL staff have created a Declaration of Interest form (Attachment 1) to meet legislative requirements. The forms will be available on the TPL website and hard copies will also be available at Board meetings for Members to complete. The Secretary of the Board will scan all declaration forms and have the forms posted in the registry of conflict of interest declarations, which will be available through the Library Board page on the TPL website as of March 1, 2019:

<https://www.torontopubliclibrary.ca/about-the-library/board/>

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1: Declaration of Interest Form



Attachment 1

Declaration of Interest

Toronto Public Library Board

Meeting Date	Member's Name
Item Number	Agenda Item Title

I declare a direct or indirect pecuniary interest in the agenda item noted above in accordance with section 5 of the Municipal Conflict of Interest Act.

The nature of my interest is as follows:

Declaration Date	Signature of Member
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Please note that, the information collected on and in connection with this form is specifically collected for the purpose of being included in a record of these proceedings which is available to the general public. Therefore, please note that in addition to inclusion in other documents available for public inspection relating to the conduct of the meetings, this form will become part of the public record as part of the Board agenda materials and kept on file by the City Librarian's Office.