Public Disclosure Statement Tips

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Introduction

The mandatory public disclosure statement helps to assure the public that, when you are elected to office, council's decisions are made in the best interests of the municipality. The public disclosure statement does not include specific financial details such as salary, the value of holdings or number of shares. The public disclosure statement identifies the name and nature of employment, financial interests or other involvement that may be seen to affect fairness in making a municipal decision.

Candidates who are running for municipal office and elected council members can refer to this fact sheet when filling out their public disclosure statement. Please note that this document has no legal authority. It is intended to be used for reference purposes only and not as a replacement to the actual legislation. Public disclosure provisions can be found in:

- Section 116 of *The Cities Act*;
- Section 142 of *The Municipalities Act*; or
- Section 160 of *The Northern Municipalities Act, 2010.*

Key Definitions

"private interest" does not include interest in a decision that is of general public application or that affects a person as one of a broad class of persons. More generally, a private interest is involvement in a business or personal matter where your participation on council in a municipal decision may be seen as influencing or benefitting from the outcome. As a voter and council member, your private interest does not include your participation in setting mill rates for property taxes or bylaws that apply to all properties or businesses.

"council, council committee, controlled corporation, or other body" includes any committee or subcommittee of a committee, as well as any board, agency or commission, appeal board or other body that a council member serves in his or her capacity as a member of council.

"family" means the spouse and dependent children of a council member. This does not include siblings, parents or grandparents.

"controlling interest" means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25 per cent of the voting rights attached to all issued shares of the corporation.

"senior officer" means the chairperson or vice chairperson of the board of directors, the president, any vice president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices.

1. Disclosure of Employer, etc.

Quote from the Ministry of Government Relations' sample disclosure form:

*"I hereby disclose **the name** of every employer, person, corporation, organization, association, or other body from which I or someone in my family receives **remuneration for services** performed as an employee, director, manager, operator, contractor or agent."*

- Only the 'name' of the employer is required to be disclosed, not the actual amount of any money paid for work or a service. The disclosure could include:
  - appointments to boards where money is received (e.g. per diems, honorariums, expenses, or other compensation);
  - involvement in a volunteer fire service where fees for services are paid; or
  - contracts with the municipality to provide certain services, such as electrician, excavating or other trades.
- Examples may include a regional park board, public utility board or housing authority.

2. Disclosure of Corporate Interests

Quote from the ministry's sample disclosure form:

"I hereby disclose the name of each corporation in which I or someone in my family has a controlling interest, or of which I or someone in my family is a director or a senior officer."

- Controlling interest is defined as having 25 per cent or greater of the voting shares, but does not include investments such as mutual funds, limited partnerships or real estate investment trusts.
- Corporations outside of Saskatchewan are included if a controlling interest is held.
- A council member may consider consulting with an accountant or lawyer to verify that 25 per cent or greater of voting shares are held.

3. Disclosure of Partnerships

Quote from the ministry's sample disclosure form:

"I hereby disclose the name of each partnership or firm of which I or someone in my family is a member."

- Do not confuse "member" with having a membership with a local Co-op or Credit Union.
- Includes partnerships or firms established for business purposes that may, or may not, be incorporated such as:
  - a law firm where a group of lawyers share the same office space, but operate independently;
  - a medical clinic where a group of doctors share the same clinic space, but operate independently; or
  - farming or ranching in partnership with others.

4. Disclosure of Business Arrangements

Quote from the ministry's sample disclosure form:

"I hereby disclose the name of any corporation, enterprise, firm, partnership, organization, association or body that I or someone in my family directs, manages, operates or is otherwise involved in that:

a) transacts business with the municipality;
b) the council considers appropriate or necessary to disclose; or
c) is prescribed."

- Item "a" is meant to include any other business-related involvement that is not already covered under the other sections of the disclosure statement that transacts business with the municipality.
  - This could include retailers who routinely provide certain goods such as fuel to a municipality.
  - This might include professional associations if these associations transact business with the municipality or, if through these associations, the member is connected with individuals and businesses that transact business with the municipality.
- Item "b" enables council to develop a policy regarding the types of business arrangements that a council member must disclose in this section of the disclosure form.
- Item "c", there is nothing currently prescribed in legislation or regulations, but may be required by the Government of Saskatchewan at a later date.

5. Disclosure of Property Holdings

Quote from the ministry's sample disclosure form:

"I hereby disclose the municipal address or legal description of any property located in the municipality or an adjoining municipality that is owned by:

a) me or someone in my family; or
b) a corporation, incorporated or continued pursuant to The Business Corporations Act or the Canada Corporations Act, of which I or someone in my family is a director or senior officer or in which I or someone in my family has a controlling interest."

- Property generally means real property having an address and location, principally land and improvements.
- "Improvement" includes buildings, resource production equipment of any mine, petroleum oil or gas well, and any pipeline on or under land.
- Property does not include material holdings. Some examples would include:
  - vehicles; or
  - farm equipment.
- An adjoining municipality includes:
  - urban municipalities within a rural municipality (RM);
  - RMs that share a common border, including the corner (i.e. a square shaped RM could have eight adjoining RMs); and
  - a RM surrounding an urban municipality.
- Property located in an adjoining municipality would not include property within:
  - municipalities located outside of Saskatchewan; or
  - provincial or regional parks.

6. Disclosure of Contracts and Agreements

Quote from the ministry's sample disclosure form:

"I hereby disclose the general nature and any material details of any contract or agreement involving me or someone in my family that could reasonably be perceived to be affected by a decision, recommendation or action of the council and to affect my impartiality in the exercise of my office."

- Some examples could include:
  - lease agreements for any land or improvements located in the municipality;
  - agreements for sale of property; or
  - a contract or agreement with a developer in the area.