

SCHOOL DISTRICT NO. 78 (FRASER-CASCADE)

BYLAW

NO: 7

DATE: 1996-12-02

REVISED:

SUBJECT: **CONFLICT OF INTEREST**

- 7.1 If a trustee has any pecuniary interest in any matter and is present at a meeting of the board at which the matter is considered, the trustee:
- (a) shall at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest;
 - (b) shall not take part in the discussion of or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter. [SA s.78(1)]
- 7.2 If the meeting is not open to the public, in addition to complying with these requirements the trustee shall immediately leave the meeting or the part of the meeting during which the matter is under consideration. [SA s.78(2)]
- 7.3 A trustee's temporary absence or inability to vote due to a conflict of interest shall not affect the quorum of a meeting.
- 7.4 If the pecuniary interest of a trustee is not disclosed as required above by reason of the trustee's absence from the meeting, the trustee shall disclose the pecuniary interest and otherwise comply with the requirements at the first meeting of the board attended by the trustee after the meeting referred to above. [SA S.78(3)]
- 7.5 "Pecuniary interest" means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and include an indirect pecuniary interest referred to in section 76 of the *School Act*. [SA s.75]
- 7.6 A trustee has an indirect pecuniary interest in any matter in which the school board is concerned if:
- (a) the trustee or the trustee's nominee,
 - (i) is a shareholder in or director or senior officer of a corporation that does not offer its securities to the public; or
 - (ii) has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public, and the corporation has a pecuniary interest in the matter; or
 - (b) the trustee is a partner of a person, is a member of a firm or is in the employment of a person or firm that has a pecuniary interest in the matter. [SA s.76]
- 7.7 The pecuniary interest of a spouse or of a parent or child of the trustee shall, if known to the trustee, be deemed to be also a pecuniary interest of the trustee. [SA s.77]

- 7.8 The provisions of the *School Act* regarding disclosure do not apply to a pecuniary interest in any matter that a trustee may have:
- (a) by reason of the trustee having a pecuniary interest in the matter which is a pecuniary interest in common with electors generally;
 - (b) by reason of the trustee being entitled to receive any indemnity, expenses or remuneration payable to one or more trustees in respect of the matter;
 - (c) by reason only that the trustee is a member of a Cooperative Association or Credit Union having dealings or contracts with the board;
 - (d) by reason only of a pecuniary interest of the trustee that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence a trustee. [SA s.79]
- 7.9 If a meeting is open to the public, every disclosure of pecuniary interest and the general nature of it shall be recorded in the minutes of the meeting. If a meeting is not open to the public, the fact that a disclosure of pecuniary interest was made, but not the general nature of that interest, shall be reported to and recorded in the minutes of the next meeting that is open to the public. [SA s.80]