

March 10, 2020

Mr. Francis Cheung,
Chief Administrative Officer
City of Langley

Dear Mr. Cheung:

Re: Interim Report: Mayor's Gala Discovery Review

I have been asked to look into the Mayor's Gala that was held on January 25, 2020. The gala was a fundraising event with net proceeds going to the Langley Hospital Foundation. At the January 27, 2020 Regular Council Meeting, Council passed a motion asking a series of questions about the event. The questions revolve around the following themes:

- Whether the event was a City event or a private event.
- Whether the guidelines in Council Policy CO-64 on the use of corporate identity were followed.
- The ramifications of the event to the City.
- The resources expended by the City to support the event.

My review is based on discussions with a number of parties and at the outset, it is important to note that the issues that I heard about transcend the gala. I urge Council to work through these issues so that they can remain focused for the rest of the Council term. Further, while an understanding of what occurred is important, it is also important to consider what, if anything, could be done differently in the future. In other words, while there are lessons to be learned from this event, it is important for Council to find a path forward.

Members of Council are elected to represent the community. The duties and responsibilities of these positions are outlined in the Community Charter, however, from a practical perspective, the Mayor and Councillors represent the community around the clock, on a 24/7 basis. This means that it is very difficult to distinguish when a member of Council is acting in their elected capacity from when they are acting in their private capacity. This is even more difficult when elected officials are referred to by their titles and/or where corporate identity is used.

The City of Langley has a policy around the use of corporate identity and this policy was adopted on November 4, 2019. One of the aims of this policy is to distinguish the City's events and services from those of others. This is important for a number of reasons:

- If a function is being provided by others, the City should make sure it does not assume legal liabilities and obligations that should rest with others.
- Where the function is provided by the City, it should be provided to the City's standards, with full regard for the City's risk management practices.
- If the function is to be identified as a City service, it is important that it be aligned with the City's strategic direction.

If we examine the January 25, 2020 Mayor's Gala against this backdrop, the following points emerge:

- The event was advertised as the Mayor's Gala. Material related to the event included the City's Coat of Arms, logo and a photo of the Mayor with the Chain of Office. This use of corporate identity creates the appearance that this was a City event, though Council did not endorse it. This appears to go against the intent of Council Policy CO-64.
- If this appears to be a City event, the City could have some legal exposure. This exposure is largely mitigated by the following steps that were taken:
 - The agreement for the use of the facility was in the personal name of the Mayor, and not the City.
 - Liability Insurance for the event was arranged through a private insurer.
 - A Gaming License was obtained for the raffles and 50-50 draw.
 - Liquor service was handled by the operator of the facility, under their own licenses and permits.
 - Eventbrite was used to handle ticket sales and an accounting of the admissions is available through them.
- The event was in recognition of the contributions of the RCMP and served as a fundraiser for the local hospital. Both of these services are of great value to Council and the Community.
- The event served to engage community volunteers who found the event rewarding.

On a go-forward basis, where a member of Council wishes to pursue an initiative like this, there should be formal consultation with Council. The main reason for doing this is that while a Council member may wish to act in his/her capacity as an individual, it is difficult to do this, given the 24/7 nature of the elected position they hold. If Council does not support the event, that does not mean that it cannot be held. Rather, steps should be taken to mitigate the potential risk exposures to the City, as was done with the 2020 Mayor's Gala. Further, while Council Policy CO-64 provides direction on the use of corporate identity, I suggest that it be reviewed. Here are some of the factors that should be considered in that review:

- Council, staff and the public should understand the rationale for having such a policy and this rationale should be articulated in the policy.
- The policy should identify consequences for not abiding by this policy.
- The delegation of responsibility in the policy should be reviewed. As a general rule, Council member interactions with staff should be through the CAO.

Council may also wish to consider a Code of Conduct which would include consequences for not abiding by the code.

With respect to the City's resources expended to support this event, two staff members spent less than a total of two hours with logistics related to the event. This included the time that a staff member spent loading the Coat of Arms and logo onto a folder that was accessible by the Mayor. With respect to the use of the facility, the Convention Centre is owned by the City and is allotted six free bookings per year

for its own use. The arrangement for the use of the facility for the gala was in the Mayor's personal name and will not count towards the uses allowed to the City.

As far as the involvement of the RCMP is concerned, the Mayor asked the RCMP to be partners in the event. The Officer-in-Charge (OIC) was in support of this for a number of reasons including:

- He saw this as a way for the RCMP to positively contribute to a worthwhile community cause.
- He saw this as an opportunity for RCMP members to meet community partners who they may not get a chance to meet otherwise.
- RCMP members would be attending in red serge and the OIC saw this as a morale booster as members would be able to wear their red serge with pride and have positive interactions with each other and the public.

The OIC authorized the use of the RCMP crest for the event. He also sent an email to his senior officers to encourage them to attend. He did not want to reach out to the more junior members, until there was support from the more senior officers. In the email, the OIC pointed out that a "Four-hour Overtime Shift (approved by him) is enough to cover the costs for 2 persons". This line may have been interpreted differently by different people. The OIC advises that from his perspective, there is meaningful police work to be done and this work warrants the payment of overtime. Such work includes:

- Crime Scene security
- Surveillance
- Proactive traffic enforcement
- Proactive police visibility efforts such as bike and foot patrols
- Ensuring public safety at public gatherings and events.
- Catching up on priority paper work

As far as the OIC is concerned, there was no intent to pay overtime, simply to cover the cost of gala tickets. Rather, the intent was to make members aware that there were opportunities to earn additional income by doing meaningful work.

The OIC is following up to see what messages were passed on by others at the detachment. A summary of the tickets purchased by the RCMP follows:

35 members attended the event and 19 of them came with spouses/guests. What this means is that a total of 54 tickets were paid for by RCMP members for a total value of \$8,100.

The OIC advises that RCMP members who attended the event were not paid for the time that they were at the gala, nor were they given extra time off for attending the gala. He also advises that no member has ever been approved to claim overtime without having to work for it.

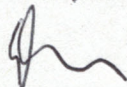
This is the first time that the detachment has participated in an event such as this and the OIC regrets the confusion that has been created around the tickets purchased by the RCMP. Steps will be taken to avoid such confusion in the future and additional questions should be referred directly to the OIC.

These are my initial findings based on interviews with several individuals. A summary of my recommendations is as follows:

- On a go-forward basis, where a member of Council wishes to pursue an initiative like this, there should be formal consultation with Council.
- Council Policy CO-64 should be reviewed.
- A Council Code of Conduct should be developed and adopted.
- City staff should meet with the OIC to establish expenditure protocol and expectations for future initiatives like this.

I hope this information is helpful and I would welcome your further direction.

Respectfully,

A handwritten signature in black ink, appearing to read 'Paul Gill', with a stylized, cursive flourish.

Paul Gill