



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Proposed Amendments to Council Policy CO-45
Solicited or Unsolicited Gifts or Benefits Received
by Members of City Council

File #: 3900.00

Doc #:

From: Kelly Kenney
Corporate Officer

Date: June 23, 2022

RECOMMENDATION:

THAT amended Council Policy CO-45 Solicited or Unsolicited Gifts or Benefits Received by Members of City Council be approved.

PURPOSE:

The purpose of this report is to recommend approval of amended Council Policy CO-45 Solicited or Unsolicited Gifts or Benefits Received by Members of City Council, which incorporates wording to provide clarity and guidance to Council members with respect to their responsibilities under the Community Charter pertaining to the receipt of gifts or personal benefits.

POLICY:

Council Policy CO-45 was originally approved in 2013. The purpose of the policy was to permit Council members to both accept and solicit the donation of gifts and benefits from suppliers of goods and services that do business with the City for charitable and special events that the City is involved in coordinating, partnering or hosting, as a way to minimize the cost and maximize the opportunity for these events.

Excerpts from *Community Charter*:

Restrictions on accepting gifts

105 (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

(a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,

(b) compensation authorized by law, or

(c) a lawful contribution made to a member who is a candidate for election to a local government.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of gifts

106 (1) This section applies if

(a) a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value, or

(b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.

(2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating

(a) the nature of the gift or benefit,

(b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,

(c) when it was received, and

To: Mayor and Councillors

Date: June 23, 2022

Subject: Proposed Amendments to Council Policy CO-45 Solicited or Unsolicited Gifts or Benefits Received by Members of City Council

Page 3

(d) the circumstances under which it was given and accepted.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

COMMENTS/ANALYSIS:

The receipt and reporting of gifts and personal benefits by Council members is dealt with under sections 105 and 106 of the *Community Charter*. However, the general language used in those sections creates the potential for some level of uncertainty. To date, guidance provided to Council members with respect to how to fulfill the statutory requirements under these sections has been informal. The proposed updates to this Policy are intended to incorporate formal guidance to Council Members in meeting their responsibilities under Sections 105 and 106 of the *Community Charter*.

BUDGET IMPLICATIONS:

N/A

ALTERNATIVES:

Council may request amendments to the Policy other than those proposed by staff and/or provide alternate direction to staff.

Respectfully Submitted,



Kelly Kenney
Corporate Officer

Attachments:

1. Proposed amended Council Policy CO-45 Solicited or Unsolicited Gifts or Benefits Received by Members of City Council
2. Mark up of current Policy CO-45 indicating proposed amendments to the policy

To: Mayor and Councillors

Date: June 23, 2022

Subject: Proposed Amendments to Council Policy CO-45 Solicited or Unsolicited Gifts or Benefits
Received by Members of City Council

Page 4

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer