

	Title: Solicited or Unsolicited Gifts or Benefits Received by Members of City Council	Policy No: CO-45
	Category: Council Policy	Classification: Administration
	Authority: Council	
	Date Adopted: December 16, 2013	

Purpose:

This Policy is intended to provide guidance to Council Members in meeting their responsibilities under Sections 105 and 106 of the Community Charter with respect to solicited and unsolicited gifts or benefits received by Council members.

Scope:

This Policy applies to solicited or unsolicited gifts or benefits received by members of City Council.

Definitions:

Charitable and Special Events means events that are community based including, but not limited to, Local Government Day, Community Day, and Christmas Parade, where no personal benefit will be gained by a member or members of Council..

City means the City of Langley.

Corporate Officer means the City staff person assigned the duties under Section 148 of the *Community Charter*.

Gifts and Personal Benefits are items or services of value that are received by Council members for personal use. These would include, but are not limited to money, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts or rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, an invitations to social functions. .

Member means a member of Langley City Council.

Principles:

Section 105(1) of the Community Charter prohibits Council members from directly or indirectly accepting a fee, gift or personal benefit connected with the member's performance of the duties of office.

What are not Considered Personal Gifts or Benefits

The following are not to be considered gifts or personal benefits:

- Compensation authorized by law.
- Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with an authorized travel.
- A lawful contribution made to a Council member who is a candidate for election conducted under the *Local Government Act*.

What Gifts and Personal Benefits may be Accepted

Despite Section 105(1), in accordance with section 105(2)(a) of the Community Charter, a Council Member may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office. Such gift or benefit must be disclosed in accordance with section 106 of the *Community Charter*.

Additionally, a Council member may approach, request or accept any gift or benefit of any nature, from any supplier of goods or services that does business with the City of Langley for charitable or special events related to the City of Langley. Such gift or benefit must be disclosed in accordance with section 106 of the *Community Charter*.

How Gifts and Personal Benefits are to be Disclosed

If a Council Member receives a gift or personal benefit, either directly or indirectly, that exceeds \$250 in value or the collective total value of such gifts and benefits received directly or indirectly from one source in any 12 month period exceeds \$250, the Council Member, as soon as reasonably practical, must file with the City's Corporate Officer a disclosure statement indicating:

- the nature of the gift or benefit;
- 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;
- when it was received; and
- the circumstances under which it was given and accepted.

If a Council Member receives a gift or personal benefit that they do not wish to accept, regardless of value, they may immediately relinquish the gift or personal benefit to the City, in which case a disclosure form would not be required. If the gift or personal benefit is not immediately relinquished to the City, then the Council member must file a disclosure statement (See Schedule 1 attached to and forming part of this Policy).

Where a gift or personal benefit is relinquished to the City, the Corporate Officer will record the receipt of the item, nature of the gift or personal benefit, source (including the addresses of at least two individuals who are directors, when the gift is provided by a corporation, if available), when the gift was received, and the circumstances under which it was given and accepted.

How Gifts and Personal Benefits are Valued

The value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much it would cost to replace the item.

What Gifts and Personal Benefits May Not be Accepted

Council members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, including but not limited to, requesting or accepting favours of loaned products or any discounts or special pricing from a supplier that would normally be offered to the City, for their personal benefit.

Failure to Disclose Gifts and Personal Benefits

Disclosure of gifts and personal benefits is a statutory requirement. Contravention of this requirement may result in a Council Member's disqualification from holding office unless the contravention was done inadvertently or because of an error in judgment made in good faith.

References

COMMUNITY CHARTER, [SBC 2003] CHAPTER 26

Policy Number:	CO-45
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Amendments:	
Related Policies:	
Related Publications:	

Schedule 1



GIFT DISCLOSURE STATEMENT

NATURE OF GIFT OR BENEFIT (INCLUDING VALUE OR DOLLAR AMOUNT):

NAME AND ADDRESS OF SOURCE:

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

DATE RECEIVED AND CIRCUMSTANCES UNDER WHICH GIVEN AND ACCEPTED:

NAME OF COUNCIL MEMBER: _____ **DATE:** _____

Section 105 of the Community Charter – Restrictions on accepting gifts

- (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 the 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 local government office for the period established by section 110(2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Section 106 of the Community Charter – Disclosure of gifts

- (1) This section applies if
 - (a) a 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
 - (d) The circumstances under which it was given and accepted.
- (3) A person who contravenes this section is disqualified from holding local government office for the period established by section 110(2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.