

From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

To: "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

Date: 9/22/2016 5:46:35 PM

Subject: Memo - Procedural Requirement - Declaring Conflict of Interest (RTS 11671)

Attachments: [RTS 11671 Procedural Requirement - Declaring Conflict of Interest.pdf](#)

Dear Mayor and Council,

Please see attached memo from Janice MacKenzie, City Clerk, providing information concerning declarations of conflict of interest. Specifically on the voting procedure when a member has declared a conflict of interest.

Should you require any additional information, please do not hesitate to contact Janice Mackenzie.

Best
Sadhu

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MEMORANDUM

September 22, 2016

TO: Mayor and Council

FROM: Janice MacKenzie
City Clerk

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Francie Connell, Director of Legal Services
Janice MacKenzie, City Clerk
Lynda Graves, Manager, Administration Services, City Manager's Office
Rena Kendall-Craden, Director, Communications
Mike Magee, Special Advisor to the Mayor, Mayor's Office
Kevin Quinlan, Chief of Staff, Mayor's Office
Katie Robb, Director, Communications, Mayor's Office
Emma Lee, Director, Community Relations, Mayor's Office

SUBJECT: Procedural Requirement - Declaring Conflict of Interest (RTS11671)

At the Regular Council meeting on September 20, 2016 Council directed staff to provide information concerning declarations of conflict of interest. Specifically, Council requested information on the voting procedure when a member has declared a conflict of interest.

Under section 145.2 of the Vancouver Charter, if a Council member considers that they are not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has (a) a direct or indirect pecuniary interest in the matter, or (b) another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case at the time that the matter is being considered. The City Clerk records the member's declaration and the reasons given for it.

As indicated above, a Council member is to make their declaration at the time at which the matter is being considered. Under section 6.5 of the Procedure Bylaw, Council may vote in a single motion on those items that members do not require debate or a separate vote.

Therefore, at the time Council considers "Items on Consent" as per section 3.5 of the Procedure Bylaw, Council members are to identify those reports that they wish to a) hold for debate and/or a separate vote, or b) declare a conflict of interest.

With respect to a report held for debate and/or a separate vote, that report is considered based on the order of the agenda.

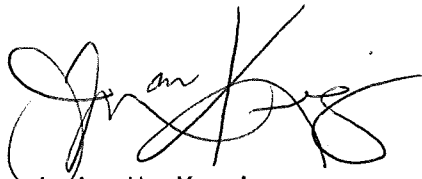
However, when a member wishes to declare a conflict of interest for an item being considered as part of the "Items on Consent", the member declares the conflict to the Chair, states the reason for the conflict, and indicates that they will not be voting on that item. The Chair then calls for the vote on those "Items on Consent" for which no conflict of interest was declared. Immediately, following this vote, the member declaring a conflict then leaves the room and the vote for the item is taken.

A similar procedure applies when Council considers "Bylaws" on the Regular Council agenda. Council members are asked by the Chair to identify those bylaws that they wish to hold for debate and/or a separate vote, or wish to declare a conflict of interest. Those bylaws that are held for debate or separate vote are considered based on the order of the agenda.

With respect to those bylaws where a conflict was declared, the Chair calls for a vote on the bylaws where no conflict has been declared. Immediately following this vote, the member that declared a conflict briefly states the nature of the conflict, leaves the room, and Council members vote on that bylaw. Following that the bylaws that are held for debate or separate vote are voted on individually.

Regarding items on a Council agenda that are not considered under "Items on Consent" or "Bylaws", such as members' motions or items/bylaws held for debate or separate vote, the appropriate time to declare the conflict is at the time the matter is considered by Council.

Should Council require any additional information, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Janice MacKenzie". The signature is stylized with large, flowing loops and a long horizontal stroke at the end.

Janice MacKenzie
City Clerk