

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

To: "Direct to Mayor and Council - DL"

CC: "City Manager's Correspondence Group - DL"

Date: 12/10/2018 7:31:37 PM

Subject: Memo - Protocol for Potential Conflicts of Interest

Attachments: 20181210135955924.pdf

Good afternoon Mayor and Council,

The attached memo from Katrina Leckovic, City Clerk, provides Council with a protocol for handling potential conflicts of interest.

Where a member of Council may have a conflict of interest on a matter being brought forward at a Council meeting, it is beneficial to Council and staff to identify same as early as possible in the Council agenda distribution process. This memo outlines the steps a Council member should take in alerting the City Clerk of potential conflict of interest well in advance of a Council meeting. This assists staff to advise Council on how to proceed at a Council meeting where a potential conflict of interest relates only to a portion of an agenda item or report.

Should you have further questions, please contact Katrina Leckovic at 604.879.7998 or Katrina.Leckovic@vancouver.ca.

Best,
Sadhu

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MEMORANDUM

December 10, 2018

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Communications Director
Francie Connell, Director, Legal Services
Rosemary Hagiwara, Deputy City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office

FROM: Katrina Leckovic, City Clerk

SUBJECT: Protocol for Supplementing Council Meeting Packages to Assist
with Potential Conflicts of Interest

Background

Where a member of Council may have a conflict of interest on a matter being brought forward at a Council meeting, it is beneficial to Council and staff to identify same as early as possible in the Council agenda distribution process.

Where the conflict of interest relates only to a portion of an agenda item or report recommendation, the City Clerk has in the past, advised Council to separate the item or recommendation so as to ensure that the conflicted member may participate in the balance of the meeting and not unduly recuse themselves from Council's business. This practice also assists Council to efficiently and effectively conduct their business. Where potential conflicts of interest are raised with staff early in the process, staff may assist the member and Council with advice on how to proceed at the Council meeting, prior to the meeting. This protocol assists the Council member in question to recuse themselves only from the portion of the Council meeting where a conflict exists, so that they may participate to the extent possible in the remainder of Council's business.

The purpose of this memorandum is to inform Council and staff of this protocol, in writing, so that it is well understood and can be implemented more effectively in the future.

The Protocol

1. General Principles

This Protocol is managed by the City Clerk.

Questions as to whether or not a conflict of interest exists will (as required by the *Vancouver Charter*) continue to be the sole responsibility of each member of Council.

2. Protocol for Specific Council Reports

a. Budget – and Budget Related Reports

For reports on the Operating Budget, Capital Budget, 5-Year Financial Plan, and quarterly adjustments and other interim changes to previously approved budgets, the Director of Finance will provide the budget books or budget related documentation to Council as far in advance as possible.

The budget information is typically produced one or two weeks prior to the drafting of the related Council report and will provide Councillors with ample opportunity to review the detailed budget documents and check for potential conflicts of interest. In the case of quarterly adjustments and other interim changes, the related Council report is generally provided to Council and the public one week in advance of the associated Council meeting as part of the Council package, during which time Councillors have the opportunity to review the report and determine whether they have a potential conflict of interest.

b. Grant Reports

Upon receipt of the Council agenda package, it is recommended that Council members review the list of recommended grant recipients, which are listed in the body of the Council report.

If any proposed grant recipient raises a potential conflict of interest concern for a member of Council, they should contact the City Clerk. The City Clerk may, at the request of the Council member, request a corporate search, if appropriate, from Legal Services or more information from the City department processing the grant application to gain further information on the persons or entities associated with the proposed recipient.

c. Zoning and Development Reports and Related Enactment By-laws

The City Clerk will provide a table listing the item number and the associated Applicant name (usually these are developers but legally could be anyone owning property and requesting a rezoning of their property) with the Council agenda package.

Legal Services will support the City Clerk by:

- (i) checking legal title and confirming for the City Clerk the legal owner of the applicable property where the matter involves an enactment by-law,

- (ii) conducting and providing to the City Clerk a corporate search where the Applicant is a numbered company, and
- (iii) conducting a corporate search where a Councillor has requested such supplementary information on any particular Applicant.

Planning and Development Services will support the City Clerk by providing the names of each Applicant where the report does not involve a rezoning enactment by-law (e.g. Forms of Development).

d. All Other Reports

For any reports not listed above, the City Clerk will assist Council members upon request.

3. Protocol Following Receipt of Council Agenda Package

Where, following receipt and review of the Council agenda package and the supplemental information provided by the City Clerk, a Council member wishes to declare a conflict of interest, they should notify the City Clerk as soon as possible.

The City Clerk will then assist the Council member to:

- (a) recuse themselves from the applicable agenda item or recommendation (where the conflict relates to the entire item on the agenda), or
- (b) recuse themselves from the portion of the agenda item or portion of recommendation (where the conflict is more limited in scope than the entire agenda item).

Where (b) applies, and the City Clerk determines that such an approach is feasible (in consultation with the affected Council member, the applicable Department Head, and the City Solicitor) the City Clerk will endeavour to draft, in advance of the Council meeting, a revised separated set of recommendations so that the amended and separated recommendations can be considered immediately following the Council member's declaration of conflict at the applicable council meeting in direct response to the conflict declaration.

Summary

We trust the above is of assistance and would be pleased to clarify or expand on any of the above. Please contact me directly at 604.879.7998 or katrina.leckovic@vancouver.ca with questions relating to this Protocol.

Sincerely,



Katrina Leckovic
City Clerk
katrina.leckovic@vancouver.ca
604.879.7998

