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To: "Direct to Mayor and Council - DL"

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

Date: 12/14/2018 1:44:46 PM

Subject: Memo - Statement of Gift Disclosure

Attachments: Statement of Gift Disclosure - Council Members FINAL Dec 2018.pdf

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Greetings Mayor and Council,

At one of the orientation sessions presented by Legal Services, Council members asked questions with regards to receiving tickets and attending events. The attached form provides an overview of the applicable policies and provides a specific example of the procedures a member of Council should follow in disclosing tickets to events and invitations to social functions organized by businesses, individuals, groups or community organizations, such as tickets or invitations to concerts, theaters events, sporting events, speaking engagements, dinners or other types of events.

### Statement of Gift Disclosure

The *Vancouver Charter* and Code of Conduct state that a Council member may only accept a gift or personal benefit received as an incident of protocol or social obligations that normally accompany the responsibilities of elected office. Council members must not otherwise directly or indirectly accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office. Gifts and personal benefits are items or services of value that are received by Council members for their personal use.

Under the Code of Conduct, Council members are required to disclose gifts or benefits received and accepted where the value exceeds \$50. Failure to comply can result in a complaint filed under the Code of Conduct. Under the Vancouver Charter, Council members are required to disclose gifts or benefits received where the value of the gift or benefit exceeds \$250 in aggregate in a 12-month period. A contravention of the Vancouver Charter will result in disqualification from office, unless the contravention was done inadvertently or because of an error in judgement made in good faith.

If there are questions that arise for any particular situation with regards to gift disclosure, please contact Katrina Leckovic, City Clerk at 604.873.7998 or [Katrina.Leckovic@vancouver.ca](mailto:Katrina.Leckovic@vancouver.ca).

Best,  
Sadhu

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information, is strictly prohibited.

This form must be completed by members of Council when they receive a gift or personal benefit which is permitted as noted below. See the reverse side for information on when a gift may be received and when a Statement of Gift Disclosure must be completed.

**Council members must not accept a fee, gift or personal benefit connected with the member's performance of the duties of office EXCEPT if received as an incident of protocol or social obligation that accompany the responsibilities of office.**

Name of Council member in receipt of gift or personal benefit:

Description of gift or personal benefit:

Estimated value: \_\_\_\_\_ Date received: \_\_\_\_\_

Source of gift or personal benefit:

Individual(s), group or corporation:

If from a corporation or group, provide the full name and address of the CEO/Executive Director and 2 persons who are directors.

Circumstances under which the gift or personal benefit was received and accepted:

Indicate the event and date of protocol event, event where representing the City, or nature and date of social obligation. If received for other reasons, please explain.

Location or disposition of gift or personal benefit:

Indicate whether Council member kept the gift. If the gift is not in the possession of the Council member, indicate the final disposition of the gift.

\_\_\_\_\_  
**Signature of Council member in receipt of gift or benefit**

\_\_\_\_\_  
**Date**

CITY CLERK USE ONLY: \_\_\_\_\_  
Date disclosure received by the City Clerk

## Quick Reference Guide on Gift Disclosure for Council Members

### A Council member must NEVER accept a gift or personal benefit when:

- accepting the gift or benefit could reasonably be expected to result in a real or perceived conflict of interest;
- the gift or benefit is intended to influence the member's performance of their official duties; OR
- the gift or benefit is in the form of cash or gift card.

### A Council member may ONLY accept a gift or benefit when:

- the gift or benefit is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

### A Statement of Disclosure must be completed when:

- the gift or benefit is received as an incident of protocol or social obligation; AND
- the gift or benefit received and accepted by a Council member is valued at more than \$50; OR
- more than one gift or benefit is received and accepted by a Council member from one source where the total value of the gifts or benefits in a 12-month period exceeds \$50.

### A Statement of Disclosure is not required if:

- a Council member receives but does not accept the gift or benefit AND immediately turns the gift over to the City Clerk. If a gift or benefit is not immediately turned over, a Statement of Disclosure must be completed.
- the value of the gift or benefit received and accepted is under \$50. However, it is recommended that ALL gifts or benefits be disclosed as it is possible that a Council member may receive multiple gifts or benefits from one source during a 12-month period and the value of those gifts or benefits could exceed \$50.

**Where a Statement of Disclosure is required, the disclosure must be made to the City Clerk as soon as practicable.**

## Frequently Asked Questions

### 1. What governs gift or benefit disclosure?

- The Vancouver Charter (s.145.7) and Code of Conduct Policy (s.6.1 and s.6.2) state that a Council member may only accept a gift or personal benefit received as an incident of protocol or social obligations that normally accompany the responsibilities of elected office. Council members must not otherwise directly or indirectly accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.
- Under the Code of Conduct, Council members are required to disclose gifts or benefits received and accepted where the value exceeds \$50 (see above). Failure to comply can result in a complaint filed under the Code of Conduct.
- Under the Vancouver Charter, Council members are required to disclose gifts or benefits received where the value of the gift or benefit exceeds \$250 in aggregate in a 12-month period. A contravention of the Vancouver Charter will result in disqualification from office, unless the contravention was done inadvertently or because of an error in judgement made in good faith.

### 2. What are gifts and personal benefits, as provided in the Code of Conduct?

- Gifts and personal benefits are items or services of value that are received by Council members for their personal use.
- Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.

### 3. What are not considered gifts or personal benefits, as provided in the Code of Conduct?

- Compensation authorized by law;
- reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at the event; and
- a lawful contribution made to a Council member who is a candidate for election.

**4. How are gifts and personal benefits valued?**

- The value of each gift or personal benefit is determined by its replacement cost, i.e. how much it would cost to replace the item.
- Where the value for a gift or personal benefit is unclear, the City Clerk will determine the value.

**5. How are relinquished gifts managed and disposed of?**

- The City Clerk will maintain records of all gifts and personal benefits received, including their disposition.
- Any gift or benefit received that is not an incident of protocol or social obligation must be immediately returned or turned over to the City Clerk.

**6. At the City Clerk's discretion, gifts or benefits that are permitted may be disposed of as follows:**

- The gift or benefit may be returned to the gift donor.
- The gift or benefit may be displayed in individual offices, general offices, or in the public areas of City Hall.
- The gift or benefit may be disposed of by donation, sale, or auction, with any proceeds credited to the City's general revenues or to the direct or indirect support of a charitable organization.
- The City Clerk may contact the donor, where appropriate, to report on the disposition of the gift.

**Tickets to Events and Invitations to Social Functions**

**Tickets to Events and Invitations to Social Functions Organized by Businesses, Individuals, Groups or Community Organizations**

Tickets to events and invitations to social functions are considered gifts/personal benefits under the Code of Conduct. Other examples of gifts and personal benefits are contained in #2 of the FAQ section on the previous page and section 6.1 of the Code of Conduct. If a Council member is offered tickets to events or invitations to social functions, consider that a Council member must NEVER accept tickets to events or invitations to social functions when:

- accepting the tickets or invitation could reasonably be expected to result in a real or perceived conflict of interest;
- the tickets or invitation to the social function is intended to influence the member's performance of their official duties; OR
- the tickets or invitation to the social function is in the form of cash or gift card.

If the above does not apply, a Council member may only accept the tickets or invitation to the social function if the tickets or invitation are received as an incident of protocol or social obligation, but the member must complete a Statement of Disclosure (above form) if:

- the tickets or invitation received and accepted by a Council member is valued at more than \$50; OR
- more than one gift or benefit is received and accepted by a Council member from one source where the total value of the gifts or benefits in a 12-month period exceeds \$50.

A Statement of Disclosure is not required if:

- a Council member receives but does not accept the tickets or invitation to the social function AND immediately turns the tickets or invitation over to the City Clerk. If the tickets or invitation are not immediately turned over, a Statement of Disclosure must be completed.
- the value of the tickets or invitation to the social function received and accepted is under \$50. However, it is recommended that ALL gifts or benefits be disclosed as it is possible that a Council member may receive multiple gifts or benefits from one source during a 12-month period and the value of those gifts or benefits could exceed \$50.

Please refer questions regarding Statement of Disclosure to the City Clerk's Office at:  
[ccclerk@vancouver.ca](mailto:ccclerk@vancouver.ca) or 604.829.2002