

Quick Reference Guide on Gift Disclosure for Council Members

A Council member must adhere to all the standards and values outlined in Part 2 of the Code of Conduct Bylaw. They must NEVER accept a Gift if:

- The Gift is connected directly or indirectly with the performance of their duties, unless permitted by the exceptions listed above; and
- Accepting the Gift breaches the Code of Conduct Bylaw

A Council member may ONLY accept a Gift if it is:

- received as an incident of the protocol or social obligations that normally accompany the responsibilities of office;
- compensation authorized by law; or
- a lawful contribution made to a member who is a candidate for election conducted under the Vancouver Charter or Part 3 of the Local Government Act

A Statement of Disclosure must be completed within 30 days of receipt when:

- 1) the Gift is received and accepted as an incident of protocol or social obligation; AND the Gift received and accepted by a Council member is valued at more than \$50; OR
- 2) more than one Gift is received and accepted by a Council member from one source where the total value of the Gifts in a 12-month period exceeds \$100.

A Statement of Disclosure is not required if:

- 1) a Council member receives but does not accept the Gift AND as soon as practicable, turns the Gift over to the City Clerk; OR,
- 2) returns the Gift to the donor along with an explanation as to why the Gift cannot, or will not, be accepted; OR
- 3) the value of the Gift received and accepted is under \$50. However, it is recommended that ALL Gifts be disclosed as it is possible that a Council member may receive multiple Gifts from one source during a 12-month period and the value of those Gifts could exceed \$100.

Where a Statement of Disclosure is required, the disclosure must be made to the City Clerk within 30 days of receipt of Gift, or upon reaching the annual limit.

A Gift provided to a Council member's spouse, child or parent, or the Council member's staff, that to the member's knowledge, is connected directly or indirectly to the performance of the member's duties is deemed to be a Gift to that member.

Frequently Asked Questions

What governs gift or benefit disclosure?

The Vancouver Charter (s.145.7 and 145.8) and Code of Conduct Bylaw No. 12886 state that a Council member may only accept a Gift 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 Gift that is connected with the member's performance of the duties of office. Part 2 of the Code of Conduct Bylaw No.12886 speaks to the values and standards members must uphold.

Under the Code of Conduct Bylaw, 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 Bylaw.

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.

What are gifts and personal benefits, as provided in the Code of Conduct Bylaw?

"Gift or personal benefit" means an item or service of value that is received by a member for their personal use including money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discount/ rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions. (Code of Conduct Bylaw Definition Section).

A Gift provided to a member's spouse, child or parent, or the member's staff, that to the member's knowledge, is connected directly and indirectly to the performance of the member's duties is deemed to be a Gift to that member (Code of Conduct Bylaw Section 4.19).

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

- 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.

How are relinquished Gifts managed and disposed of?

The City Clerk will maintain records of all Gifts benefits received, including their disposition. Any Gift received that is not an incident of protocol or social obligation must be as soon as practicable returned or turned over to the City Clerk.

At the City Clerk's discretion, Gifts that are permitted may be disposed of as follows:

- The Gift may be returned to the gift donor.
- The Gift may be displayed in individual offices, general offices, or in the public areas of City Hall.
- The Gift 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.

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 under the Code of Conduct Bylaw. Other examples of Gifts are contained in #2 of the FAQ section on the previous page and the Code of Conduct Bylaw.

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:

- the tickets to events or social functions are connected directly or indirectly with the performance of their duties, unless it falls under one of the exceptions
- The Code of Conduct Bylaw would be breached

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 is received and accepted by a Council member from one source where the total value of the Gifts in a 12-month period exceeds \$100.

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 as soon as soon as practicable, turns the tickets or invitation over to the City Clerk.
- the value of the tickets or invitation to the social function received and accepted is under \$50. However, it is recommended that ALL Gifts be disclosed as it is possible that a Council member may receive multiple Gifts from one source during a 12-month period and the value of those Gifts could exceed \$100.

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