
CITY OF KELOWNA

MEMORANDUM

Date: April 14, 2004
File No.: 0550-06
To: City Manager
From: Deputy City Clerk
Subject: DRAFT COUNCIL POLICY No. 313 – CONFLICT OF INTEREST

RECOMMENDATION

THAT Council adopt the attached draft Council Policy No. 313 – Conflict of Interest.

BACKGROUND

Council considered the draft Council Policy No. 313 – Conflict of Interest at the March 29, 2004 Regular Meeting and following that discussion, the draft policy was amended as follows:

Section 1: Adding a new sentence the end of section 1 to clarify that a member is to state that they have a conflict and then leave the meeting: "When a member of Council is deemed to be in a conflict of interest, they will participate in the matter only to the extent of stating their reason for being in a conflict, and then withdraw from the meeting without further commentary."

Section 3: Reworded to reflect that it is up to the City Manager only to determine whether the City shall seek a legal opinion.

It is recommended that the wording in Section 2 remain the same and that the identity of the person raising the question not be released to the member of Council. The City is bound by the privacy provisions contained in the *Freedom of Information and Protection of Privacy Act* and any release of personal information must be consistent with the requirements of this legislation. This process is not akin to a court proceeding and in most instances would be merely a case of an individual raising an issue with the City Manager; the identity of the individual is not relevant as to whether or not there is a conflict.

Stephen Fleming
Deputy City Clerk



CITY OF KELOWNA

COUNCIL POLICY MANUAL

POLICY: 313
PAGE: 1 of 1
APPROVAL DATE:
RESOLUTION #:
REPLACING #: N/A
DATE OF LAST REVIEW: April 2004

SUBJECT: CONFLICT OF INTEREST

1. In accordance with the *Community Charter*, it is the personal responsibility of each member of Council to be aware in good faith of his or her conflicts of interest and to make the decision to declare them and to conduct him or herself in accordance with that legislation. When a member of Council is deemed to be in a conflict of interest, they will participate in the matter only to the extent of stating their reason for being in a conflict, and then withdraw from the meeting without further commentary.
2. If a question as to a possible conflict of interest of a member of Council is raised to the City Manager by someone other than that particular member of Council, the City Manager shall notify the member in writing as soon as possible, not including the name of the person raising the question.
3. The City Manager shall consult with the member in question and the City Manager shall determine whether it is in the City's best interest to seek legal advice as to the possible conflict of interest from the City's legal service provider.
4. In any event, the member in question may at any time obtain his or her own legal advice as to the possible conflict of interest from his or her own legal advisor.
5. If legal advice is sought by the City Manager from the City's legal service provider as to a possible conflict of interest, the cost of such advice shall be paid for by the City.
6. If legal advice is sought by a member of Council from his or her own legal advisor as to a possible conflict of interest, the cost of such advice shall be paid for by the member.
7. If legal advice is sought by the City Manager from the City's legal service provider as to a possible conflict of interest, the solicitor-client privilege pertaining to that advice is the City's.
8. If legal advice is sought by a member of Council from his or her own legal advisor as to a possible conflict of interest, the solicitor-client privilege pertaining to that advice is the member's.

REASON FOR POLICY: For clarification purposes.

LEGISLATIVE AUTHORITY: Community Charter (Sec. 100)

PROCEDURE FOR IMPLEMENTATION: As outlined in policy.

