



To: Mayor and Councillors
From: Claudia Jesson
Manager, Legislative Services
Re: Proposed UBCM Resolutions from Cllr. Greene
Date: June 6, 2019
File: 08-4057-20-020/Vol 01

The purpose of this memorandum is to provide comments regarding the three draft resolutions (refer to Attachment) proposed to be forwarded to the UBCM for consideration at the 2019 Conference.

Statement of Disclosure Updates:

The *Local Election Campaign Financing Act* governs the requirement for candidates to file disclosure statements. A candidate for office must record and report campaign contributions and expenses accordingly, and a candidate must file their disclosure within 90 days after general voting day. Elections BC oversees all matters of campaign financing and candidates file directly with Elections BC, a non-partisan Office of the Legislature. City staff are not involved in the receipt of campaign financial disclosure statements. The only role that city staff play is sending out the necessary reminders to all candidates to ensure the deadlines are met, as quite often some candidates in the past have been late in meeting the required deadlines. There are serious consequences to not filing a disclosure statement or supplementary report within the applicable time, namely candidates can be disqualified from seeking office until after the subsequent election. To require that a candidate's disclosure statement also include information pertaining to a number of family members will make it difficult for a candidate to complete their statements and file on time. There could be serious consequences if family members refuse to have their information to be included as part of a candidate's disclosure, in that disclosures would be deemed incomplete. Elections BC receives, files and posts online all candidate disclosure statements for every municipality; and the records are available for public inspection. The suggestion for the filing of a confidential version of a financial disclosure could raise concerns, as Election related processes are based on principles of openness and transparency.

Conflict of Interest Complaint Mechanism:

The *Community Charter* outlines the conflict of interest provisions that all elected officials must adhere to. When members of Council declare a conflict of interest during a Council Committee and/or Council meeting, the minutes must record that a conflict has been declared and that the member has removed themselves from the meeting for discussion of that respective matter. There is recognition that Council members may encounter conflict of interest situations and as such there are high standards for elected officials to adhere to relative to disclosure and not

participating in discussions. As part of the requirement to be open, the *BC Financial Disclosure Act* requires that elected officials must file on annual basis their financial disclosure of their financial assets and sources of income. Such disclosures are received by the City Clerk's Office and must be available to the public for inspection during normal business hours.

Conflict of Interest During Election Period:

During the year of an election, it should be noted that the "Election Period" is the start of the calendar year in which the election is held and the "Campaign Period" begins on the 28th day before general voting day for the election. The term of office of Council members is stipulated in the *Community Charter*. In the case of elected representative(s) who may not be re-elected, it is established practice that these members continue to serve post-election day until the new elected officials are sworn in. This provides the necessary continuity, especially in regards to quorum, that is required until the Inaugural Meeting of a new Council takes place. In addition, the last Council meeting of an outgoing Council that follows an election provides a closure opportunity for any non-returning elected officials to both say good bye to the citizens and to receive formal acknowledgement for their service.

During the "Campaign Period" consideration has always been given to ensure that matters of a substantive nature are not brought forward to Council due to a pending election. It has been a longstanding Richmond practice for Committee and Council agendas to be kept light for the meetings leading up to the election; as an example the budget process was deliberately delayed last fall in order to ensure the budget would be addressed and approved by the newly elected Council. If meetings were to be suspended during the "Campaign Period", staff would not be in a position, nor would they likely accept responsibility to exercise the powers of Council, as Council is the decision-making body and staff would potentially be in a position of conflict. Council is the governing body and can only exercise its powers either by bylaw or resolution passed at a regular or special meeting when quorum is present. During the summer recess break, while there are no scheduled meetings of Council, however, the flexibility and ability for Council to schedule a meeting for any purpose always exists and ought to exist at all times.



Claudia Jesson
Manager, Legislative Services
(604-276-4006)

Attachment

Cc: SMT

To send to the following three resolutions to UBCM for consideration at the 2019 convention and to send copies to the Local Governments of BC for their favourable consideration prior to the 2019 UBCM meeting. An additional copy to be sent to the Minister of Municipal Affairs.

1) Statement of Disclosure Updates

Whereas professional regulatory bodies, such as CPABC, BC Law Society, APEGBC, and others, have conflict of interest and ethics rules for their members, under which appearance of conflict of interest is disallowed;

Whereas the public expects elected representatives to act to a professional standard of conduct;

And whereas the scope of decisions and responsibilities of an elected representative can be broad and encompass a variety of issues,

So be it resolved that the Statement of Disclosure for municipal nominees and elected representatives be updated to additionally include a spouse's assets; a spouse's liabilities; and real property, other than their primary residence, held singly or jointly by a spouse, child, brother, sister, mother or father. Further, within 60 days of being sworn in, to file a confidential financial disclosure statement to a non-partisan Municipal Conflict of Interest Commissioner.

2) Conflict of Interest Complaint Mechanism

Whereas professional regulatory bodies, such as CPABC, BC Law Society, APEGBC, and others, have conflict of interest and ethics rules for their members and enforce them through a complaints process;

Whereas the public expects elected representatives to be held to a professional standard of conduct;

And whereas the only remedy for a citizen complaint of a municipal elected person's conflict of interest is through a judgement of the Supreme Court of British Columbia,

So be it resolved that the Province of British Columbia provide a mechanism to resolve and remedy conflict of interest complaints through a non-partisan Municipal Conflict of Interest Commissioner or expansion of the scope of powers of the BC Ombudsperson.

3) Conflict of Interest During Election Period

Whereas provincial and federal governments are dissolved during the writ period;

Whereas an elected representative could electioneer during the election period and be perceived to be acting for political gain;

Whereas an elected representative may not be re-elected, yet retain their position for a period of time after Election Day, effectively a "lame duck" candidate;

Whereas municipal government staff effectively manage the city without a sitting Council for four consecutive weeks each year, at minimum;

So be it resolved that all municipal government meetings, except those provided for under the Emergency Program Act, be suspended during the election period and that the previous municipal government is dissolved on Election Day.