



Special General Purposes Committee

- Date: Monday, June 10, 2019
- Place: Anderson Room
Richmond City Hall
- Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day
Councillor Kelly Greene
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves
Councillor Michael Wolfe
- Call to Order: The Chair called the meeting to order at 4:12 p.m.

COUNCILLOR KELLY GREENE

1. **PROPOSED UBCM RESOLUTIONS**
(File Ref. No.) (REDMS No.)

Discussion ensued with regard to (i) the proposed declaration requirements for relatives of elected representatives, (ii) conflict of interest policies for municipal staff, and (iii) options to increase transparency in local government. During discussion, Councillor Greene stated “point of order,” which was not pursued and discussion continued.

In reply to queries from Committee, staff noted that City policy requires staff to declare a conflict of interest when such a situation arises. Staff added that disclosures filed by candidates are available for public review and a declaration is required for assets individually or jointly held by a candidate.

As a result of the discussion, there was agreement to deal with the following proposed resolutions on the Statement of Disclosure Updates, the Conflict of Interest Complaint Mechanism and the Conflict of Interest During Election Period separately.

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The following was moved and seconded

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. 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.

As a result of the discussion, amendments to the enactment clause were proposed to remove reference to "brother, sister" and to include the statement "in the municipality in which they are elected" as follows:

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It was moved and seconded

That the enactment clause be amended to read as follows:

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 in the municipality in which they are elected, other than their primary residence, held singly or jointly by a spouse, child, 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.

DEFEATED

Opposed: Mayor Brodie
Cllrs. Loo
McNulty
McPhail
Steves

Discussion ensued with regard to proposed declaration requirements for relatives of elected representatives, and as a result of the discussion an amendment to the enactment clause of the Statement of Disclosure Updates resolution was introduced to add the words "to the best knowledge of the candidate."

It was moved and seconded

That the enactment clause be amended to read as follows:

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, to the best knowledge of the candidate. Further, within 60 days of being sworn in, to file a confidential financial disclosure statement to a non-partisan Municipal Conflict of Interest Commissioner.

CARRIED

Opposed: Mayor Brodie
Cllrs. Loo
McNulty
McPhail

Discussion then ensued with regard to a forthcoming staff report on establishing a Code of Conduct, and as a result of the discussion, the following **referral motion** was introduced:

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It was moved and seconded

That the proposed resolutions on the Statement of Disclosure Updates, the Conflict of Interest Complaint Mechanism and the Conflict of Interest During Election Period, be referred to staff for consideration in relation to a forthcoming report on Code of Conduct.

The question on the referral motion was not called as discussion took place on establishing a province-wide code of conduct policy.

The question on the referral motion was then called and it was **DEFEATED** with Cllrs. Au, Day, Greene, Steves and Wolfe opposed.

The question on the **main motion**, as amended, on the Statement of Disclosure Updates, which reads as follows:

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. 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, to the best knowledge of the candidate. Further, within 60 days of being sworn in, to file a confidential financial disclosure statement to a non-partisan Municipal Conflict of Interest Commissioner.

was then called and it was **CARRIED** with Mayor Brodie, and Cllrs. Loo, McNulty and McPhail opposed.

Committee then considered the second motion - Conflict of Interest Complaint Mechanism.

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It was moved and seconded

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. Additional copy to be sent to the Minister of Municipal Affairs.

(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.

The question on the motion was not called as discussion ensued with regard to the challenges of submitting cases to the Supreme Court of British Columbia and ethical authoritative bodies in other jurisdictions.

As a result of the discussion, the following **amendment motion** to the enactment clause of the Conflict of Interest Complaint Mechanism resolution was introduced to replace the word “provide” with “consider” and to include the word “including” following the word “mechanism”:

It was moved and seconded

That the enactment clause be amended to read as follows:

So be it resolved that the Province of British Columbia consider a mechanism including 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.

CARRIED

The question on the **main motion**, as amended, on the Conflict of Interest Complaint Mechanism, which reads as follows:

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To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. Additional copy to be sent to the Minister of Municipal Affairs.

(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 consider a mechanism including 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.

was then called and it was **CARRIED** with Mayor Brodie and Cllr. McNulty opposed.

Committee then considered the third motion – the Conflict of Interest During Election Period.

It was moved and seconded

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. Additional copy to be sent to the Minister of Municipal Affairs.

(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; and

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

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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.

The question on the motion was not called as discussion ensued with regard to holding Council meetings during the summer and winter break periods, during the election period, and in the event of an emergency.

In reply to queries from Committee, staff noted that (i) there are no provisions in the *Local Government Act* to delegate all of Council's authority to City staff, (ii) the *Local Government Act* provides a period of time between the end of the election and the certification of a new Council to challenge the election results, and (iii) Council has the ability to call special meetings during the summer and winter break periods.

The question on the motion was then called and it was **DEFEATED** with Mayor Brodie and Cllrs. Au, Loo, McNulty, McPhail and Steves opposed.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:13 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, June 10, 2019.

Mayor Malcolm D. Brodie
Chair

Evangel Biason
Legislative Services Coordinator