

Subject: Clarification of Potential Conflict of Interest

Date: Tue, 9 Dec 2003 07:58:30 -0800

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Notice of Motion:

That the motion printed below be reconsidered.

Rationale for reconsideration of a motion submitted on Oct 23,2003.

The motion below (RECOMMENDATIONS) submitted by Councillor Crist on Oct. 23, 2003 dealt with a potential violation of the Conflict of Interest Policy by two District Councillors both of whom, on October 2003 served on the Rec Commission as Council appointees. Council policy stipulates that members of Council who have accepted gifts must either excuse themselves from the Council chambers while the debate pertaining to the source of their benefits takes place. It is assumed that both Councillors received from the Commission a free gift (annual passes) for the use of Recreation facilities both for themselves and members of their respective families since it is the policy of the Rec Commission to provide all Commissioners with such free passes..

However, in line with the conflict of interest policies established by Council, it was the duty of these 2 Councillors to either explain to Council and the public that they were either not in a conflict situation, that is to say that they did not receive such free passes, and/ or excuse themselves from the Council meeting stating the reasons and doing so prior to the motion pertaining to this matter coming before Council on October 23. This they did not do.

In their failure to do so, it was the duty of either the Clerk and or the Mayor to clarify this point since Councillor Crist had already identified two members of Council who were in a potential conflict. But neither the Clerk nor the Mayor did so. What is more as there was no seconder for the motion submitted by Councillor Crist, it could not be explained to the public. What is more when the Chair's ruling that the motion had to be seconded before it can be explained, was challenged by Councillor Crist, since this involved a matter of ethics, the two members of Council not only remained in the Chambers but they also voted on the motion challenging the Chair.

This was a double violation of Council policy, one being the potential conflict of interest affecting them directly and the other, when they voted on the issue of challenging the chair. In light of this it behooves this Council to revisit this matter.

Subject: North Vancouver Recreation Commissioners: Clarification of Potential Conflict of Interest

Motion submitted by Councillor Crist on October 23,2003 - RECOMMENDATION:

THAT:

1, Council obtain a legal opinion on a potential conflict of interest matter pertaining to members of Council who, by virtue of being appointed to the North Vancouver Recreation Commission by Council, receive a gratuitous gift from the commission in the form of free passes to use facilities both for themselves as well as their immediate family members and subsequently, may be in a conflict of interest situation:
and

2, if this is confirmed, it be established as to whether they are entitled to vote on matters coming before Council pertaining to North Vancouver Recreation Commission issues and/or whether they will have to forego receiving such a gift from the Commission.

REASON FOR REPORT:

It was recently reported that, in a municipality in Ontario, a member of a local municipal Council was prevented from voting on a local municipal recreation matter since, as a Council appointed Commissioner, he had received free annual passes both for himself and his immediate family similar to the practice in the District of North Vancouver.

In the District of North Vancouver, we have two Council members who represent Council on the North Vancouver Recreation Commission. Both apparently at the time did receive free passes valued at several hundreds of dollars from the Commission for the use of facilities for themselves and their immediate family members.

Although the North Vancouver Recreation Commission exists by virtue of both the City and the District, it acts independently in many areas and sets its own policies. While the Commission is ultimately accountable to the two Councils, it enjoys a considerable degree of independence. Its capacity for lobbying is considerable. This has come to light on a number of occasions including during one of the municipal elections when commission members actively campaigned for the election of a particular slate of candidates.

On the other hand, the conflict of interest standards, as spelled out in numerous documents, state categorically not only that a direct conflict may prevent an elected official from voting on certain matters but that an indirect or perceived conflict of interest is equally unacceptable. No other Council appointed Commission and/or Committee provides such benefits to its Council appointed members.

In light of the foregoing, it is prudent for both the benefit of District Council, the public and the persons directly affected to seek a verdict based on a professional opinion. In the case of an Ontario municipality, it was ruled that for an elected official to receive a gift from a municipally appointed Commission or Committee, unlike a volunteer sitting on such a Commission or Committee, is the same as receiving a gift from a private company or, to put it another way, is the same as receiving compensation outside existing Council policies and parameters.

Submitted by:

"Councillor Ernie Crist"

Xc: Heather Fleming, Director - North Vancouver Recreation

