

## PROPOSED AMENDMENTS TO THE GIFTS AND BENEFITS POLICY FOR MEMBERS OF COUNCIL

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### EXECUTIVE SUMMARY

This report presents proposed amendments to the *Gifts and Benefits Policy for Members of Council* (CC043) in order to bring greater clarity to the responsibilities associated with the acceptance of gifts and benefits, as well as to ensure that all Members of Council share a common understanding of the Council policy requirements and disclosure process.

### ADMINISTRATION RECOMMENDATION(S)

That the Legislative Governance Task Force recommend that Council:

1. Adopt the proposed amended *Gifts and Benefits Policy for Members of Council*;
2. Direct that the amended *Gifts and Benefits Policy for Members of Council* come into effect on 2015 July 01; and
3. Direct Administration to bring forward a proposed Council policy on fundraising and ward events to the Legislative Governance Task Force no later than Q4 2015.

### RECOMMENDATIONS OF THE LEGISLATIVE GOVERNANCE TASK FORCE, DATED 2015 APRIL 21:

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That Council:

1. Adopt the proposed amended *Gifts and Benefits Policy for Members of Council*, **after amendment to Section 6 'Exclusions', by adding the following words:**  
  
**"This Council policy does not apply to campaign contributions. Campaign contributions must be disclosed in accordance with the Local Authorities Election Act RSA 2000 c. L-21."**
2. Direct that the amended *Gifts and Benefits Policy for Members of Council* come into effect on 2015 July 01; and
3. Direct Administration to bring forward a proposed Council policy on fundraising and ward events to the Legislative Governance Task Force no later than Q4 2015.

### PREVIOUS COUNCIL DIRECTION / POLICY

At the 2015 March 03 Meeting of the Legislative Governance Task Force (LGTF), the following motion was adopted:

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"REFER, Moved by Councillor Demong, that Report VR2015-0021 be referred to the City Clerk's Office, to bring forward proposed amendments to the Gifts and Benefits Policy for Members of Council, as discussed today, to the 2015 April 21 Meeting of the Legislative Governance Task Force".

At the 2013 April 22 Regular Meeting of Council, Council adopted the *Gifts and Benefits Policy for Members of Council*. The Council policy was implemented on 2013 July 01.

### BACKGROUND

The *Gifts and Benefits Policy for Members of Council* provides guidance with respect to the appropriate gifts and benefits to accept in acting out duties of office, as well as guidance with respect to the processes for the acceptance, tracking and disclosure of gifts and benefits.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

At the 2015 March 03 Meeting of the LGTF, the Task Force identified an implementation gap within the *Gifts and Benefits Policy for Members of Council*, and determined that greater clarity and guidance on event attendance and disclosure is required. The existing Council policy provides that Members of Council and their staff may accept admission to events. In accordance with the Council policy, events may include widely attended events, charity or community organized events, and training or educational programs. The Council policy also provides that "other tickets and admissions (e.g. tickets to a sporting event offered by a party other than the team) may be accepted". While the Council policy differentiates between event types, admission to all event types must be disclosed where the value exceeds \$150. The Council policy does not provide any exceptions or prohibitions against event admission.

Given the foregoing, the distinctions between the event types are immaterial as event attendance is permissible, and all events attended by Members of Council, with a value exceeding \$150, must be disclosed. To bring greater clarity, as well as enhance transparency, accountability and consistency, this report proposes eliminating the various distinctions. The proposed amendment is detailed in Attachment 1 on page 3. This report further proposes amending the Council policy procedures by eliminating the reference to third-party hosting and tickets to arts and cultural events and providing a new comprehensive set of disclosure criteria. As noted above, these distinctions are immaterial to the disclosure requirement which provides that event attendance, regardless of type, is permissible and must be disclosed if the event and associated benefits exceed \$150 in value. The proposed amendment is detailed in Attachment 1 on page 4.

In addition to the proposed content amendments detailed in Attachment 1, minor grammatical and style revisions were undertaken to enhance the readability of this Council policy. The complete proposed amended Council policy is provided in Attachment 2.

At the 2015 March 03 Meeting of the LGTF, the Task Force also discussed the need for further clarity with respect to the policy on acceptance of money. Members of Council are often called upon to support and encourage donations to various charities, not-for-profit organizations and community groups. While the discussion arose in relation to the *Gifts and Benefits Policy for*

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*Members of Council*, encouraging and accepting donations for charitable organizations is distinct from accepting gifts or benefits for personal use. Accordingly, Administration recommends developing a new Council policy for LGTF's consideration rather than amending the *Gifts and Benefits Policy for Members of Council*.

### **Stakeholder Engagement, Research and Communication**

The *Gifts and Benefits Policy for Members of Council* originates from the Office of the Councillors and Office of the Mayor. The City Clerk's Office consulted with the Office of the Councillors for alignment with current practice and the existing Gift Registry. The draft amendments were also shared with the Office of the Mayor. The Law Department was consulted with respect to a potential Council policy on fundraising and ward events.

### **Strategic Alignment**

This Council policy aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (Action Plan 2015-2018).

### **Social, Environmental, Economic (External)**

Adopting the proposed amendments to the *Gifts and Benefits Policy for Members of Council* is a further step in promoting transparency and accountability.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

There are no current and future operational budget impacts as a result of this report.

#### **Current and Future Capital Budget:**

There are no current and future capital budget impacts as a result of this report.

### **Risk Assessment**

The various examples of event types create uncertainty with respect to policy implementation. In turn, this uncertainty may result in an inconsistent process for the acceptance and disclosure of gifts and benefits among Members of Council.

### **REASON(S) FOR RECOMMENDATION(S):**

The proposed amendments to the Council policy are required in order to bring greater clarity to the acceptance and disclosure of gifts and benefits, as well as to the overall disclosure process. Implementing the Council policy on 2015 July 01 facilitates the current semi-annual reporting of gifts and benefits co-ordinated by the Office of the Councillors and Office of the Mayor.

### **ATTACHMENT(S)**

1. Proposed amendments to the *Gifts and Benefits Policy for Members of Council*; and
2. Proposed amended *Gifts and Benefits Policy for Members of Council*.