

COUNCIL POLICY

Policy Title: Disclosure Policy for Members of Council
Policy Number: CC0XX
Report Number: LGT2014 - 0834
Approved by: Council
Effective Date:
Business Unit: Office of the Councillors and Office of the Mayor

BACKGROUND

1. Members of Council, in the performance of their duties, may encounter situations where their personal financial interests conflict with their duties to The City of Calgary and its residents. Through proactive disclosure to the public of Real Estate, within the municipal boundaries of The City of Calgary, and Financial Holdings, Members of Council help to build confidence in their ability to separate personal and corporate interests and increase transparency to the public.
2. Part 5, Division 6 (Sections 169-173) of the Alberta *Municipal Government Act*, RSA 2000, c M-26 (MGA) addresses pecuniary interest of Members of Council. As per Subsection 172(1) of the MGA, when a Member of Council has a pecuniary interest in a matter before Council, a Council Committee or any other body to which the Member of Council is appointed as a representative of the Council, the Member of Council must, if present, disclose the general nature of the pecuniary interest, abstain from voting and any discussion relating to the matter, and leave the room in which the meeting is being held until discussion and voting on the matter are concluded. Members of Council may be disqualified from Council if they contravene Section 172.

PURPOSE

3. The purpose of this Council Policy is to supplement existing legislation in the MGA that addresses the disclosure of pecuniary interest. ***This Council Policy does not supersede or replace the MGA requirements with respect to pecuniary interests in matters before Council.***
4. This Council Policy provides the requirements for:
 - 4.1 Disclosure of Real Estate and Financial Holdings;
 - 4.2 Procedures for the collection, submission and publication of Real Estate and Financial Holdings; and
 - 4.3 Breaches of this Council Policy.



APPLICABILITY

5. This Council Policy applies to all Members of Council.

DEFINITIONS

6. In this Council Policy:

- a. “Family” means a Member of Council’s spouse or adult interdependent partner, and any dependent children;
- b. “Financial Holdings” means the following, as adopted from Section 171 of the MGA, with “corporation”, “director”, “distributing corporation”, “shareholder”, “voting rights” and “voting shares” having the meanings given to them in the *Business Corporation Act*:
 - i. Each corporation, other than a distributing corporation, in which the Member of Council, or, to the knowledge of the Member of Council, a member of their Family, is a shareholder, director or officer;
 - ii. Each distributing corporation in which the Councillor beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the Member of Council, or to the knowledge of the Member of Council, a member of their Family, is a director or officer; and
 - iii. Each partnership or firm of which the Member of Council, or, to the knowledge of the Member of Council, a member of their Family, is a member.
- c. “Member of Council” means a current Member of The City of Calgary Council, including the Mayor;
- d. “Real Estate”, as adopted from the *Real Estate Act*, RSA 2000, c R-5, means:
 - i. Real property;
 - ii. Leasehold property; or
 - iii. A portable dwelling, other than a holiday trailer or recreational vehicle wholly or mainly used for recreational purposes, that
 - (a) is designated for use as and is used as a residence,
 - (b) is mounted on or otherwise attached to its own chassis and running gear,
 - (c) is capable of being transported on its own chassis and running gear by towing or other means, and



(d) is situated on a site that is used or intended to be used, or that has been represented by the owner of the site as being intended to be used, for residence purposes.

POLICY

7. Each Member of Council shall complete a *Member of Council Disclosure Statement* setting out the Real Estate and Financial Holdings of the Member of Council and, to the knowledge of the Member of Council, their Family.
8. Each Member of Council shall submit the *Member of Council Disclosure Statement* to the Manager, Office of the Councillors, and in the case of the Mayor, to the Chief of Staff, Office of the Mayor.

PROCEDURE

9. The following procedures guide the collection, submission and publication of disclosure information:

9.1 Disclosure Collection

9.1.1 The following information shall be collected in the *Member of Council Disclosure Statement* (Appendix):

- i. Member of Council Name;
- ii. Ward, except for the Mayor;
- iii. For each Member of Council, and, to the knowledge of the Member of Council, each member of their Family:
 - 1) A list of all communities, within the municipal boundaries of The City of Calgary, where Real Estate is held;
 - 2) All Financial Holdings; and
 - 3) Names of employers.
- iv. Declaration that the Member of Council acknowledges and supports the *Disclosure Policy for Members of Council*.

9.2 Disclosure Submission

9.2.1 Members of Council shall submit the *Member of Council Disclosure Statement* to the Manager, Office of the Councillors, and in the case of the Mayor, to the Chief of Staff, Office of the Mayor no later than thirty (30) days following:



- i. A by-election or general election; or
- ii. Any change to the information contained in the current *Member of Council Disclosure Statement*.

9.3 Disclosure Publication

9.3.1 The Manager, Office of the Councillors shall publish the *Member of Council Disclosure Statement* to the Office of the Councillors public webpage, and in the case of the Mayor, the Chief of Staff, Office of the Mayor shall publish the *Member of Council Disclosure Statement* to the Office of the Mayor public webpage no later than thirty (30) days following receipt of the *Member of Council Disclosure Statement*.

9.3.2 The Manager, Office of the Councillors, and in the case of the Mayor, the Chief of Staff, Office of the Mayor, shall remove from publication the *Member of Council Disclosure Statement* twelve (12) months from the time the Member of Council ceases to be a Member of Council.

10. Breaches of this Council Policy shall be resolved as per the *Ethical Conduct Policy for Members of Council* (#CC042) as follows:

10.1 Should a Member of Council breach any of the requirements of this policy, the possible course of action available to Council includes, but is not limited, to the following:

- a. Removal of the Member of Council from Council Committees, other than Standing Policy Committees or other representative bodies, by Council Resolution.
- b. Dismissal of the Member of Council from a position of Deputy Mayor or Chairperson of a Committee by Council Resolution.

10.2 Members of Council may report alleged violations of this policy in a Personnel Item Report to be brought to an In Camera Meeting of Council.

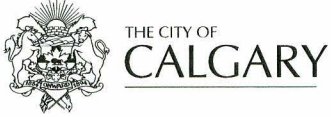
10.3 A Member of Council, or any individual, who believes a Member of Council is in violation of this policy may report their concerns in accordance with The City of Calgary *Whistle-Blower Policy*. Investigations of violations and investigation outcomes will be administered in accordance with the *Whistle-Blower Policy*. The Whistle-Blower Program ensures all reports received are appropriately reviewed.



- 10.4 All substantiated violations and reports made through the Whistle-Blower Program shall be reported by The City Auditor to Council in an In-Camera Meeting of Council.
- 10.5 All discussions surrounding alleged and substantiated violations of this policy shall be conducted in an In Camera Meeting of Council and the discussion shall remain confidential under the appropriate sections of the *Freedom of Information and Protection of Privacy (FOIP) Act*.

AMENDMENTS

New policy



MEMBER OF COUNCIL DISCLOSURE STATEMENT

CC 891 (2014-09)

INSTRUCTIONS: This form is to be completed by every Member of The City of Calgary Council and submitted to the Manager, Office of the Councillors. In the case of the Mayor, this form is to be submitted to the Chief of Staff, Office of the Mayor. This form must include all Real Estate and Financial Holdings of the Member of Council, and to their knowledge, the Member of Council's spouse or adult interdependent partner and any dependent children.

1. Member of Council Name	
2. Ward	
3. Each community, within the boundaries of The City of Calgary, in which the Member of Council, or a member of their family, holds real estate.	
	Community(s)
1.	
2.	
3.	
4.	
5.	
6.	
4. Each corporation, other than a distributing corporation, in which the Member of Council, or a member of their family, is a shareholder, director or officer.	
	Name(s) of Corporation(s)
1.	
2.	
3.	
4.	
5.	
6.	
5. Each distributing corporation in which the Member of Council, or a member of their family, beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the Member of Council, or a member of their family, is a director or officer.	
	Name(s) of Corporation(s)
1.	
2.	
3.	
4.	
5.	
6.	

6. Each partnership or firm of which the Member of Council, or a member of their family, is a member.**Name(s) of Firm(s) or Partnership(s)**

1.

2.

3.

4.

5.

6.

7. Employers of the Member of Council and members of their family.**Name(s) of Employer(s)**

1.

2.

3.

4.

5.

6.

8. Member of Council Declaration

I, (Full Name) _____ declare that as a Member of The City of Calgary Council, acknowledge and support the *Disclosure Policy for Member of Council*.

This Member of Council Disclosure Statement accurately, to the best of my knowledge, discloses real estate and financial holdings as per the *Disclosure Policy for Members of Council*.

Signed _____
Member of Council

Declared this ____ day of _____, 20____

Before me _____
*Manager, Office of the Councillors/
Chief of Staff, Office of the Mayor*