



THE CITY OF
CALGARY
Proudly serving a great city

| |
|---|
| CITY OF CALGARY RECEIVED IN LEGAL TRADITIONS COMMITTEE ROOM MAR 03 2015 ITEM: <u>Urgent Business</u> <u>Distribution</u> CITY CLERK'S OFFICE |
|---|

COUNCIL POLICY

Policy Title: Gifts and Benefits Policy for Members of Council

Policy Number: CC043

Report Number: PFC2013 - 0371

Approved by: Council

Effective Date: 2013 July 01

Business Unit: Office of the Aldermen and Office of the Mayor

BACKGROUND

In pursuing democratic accountability and transparency, it is necessary that no individual or organization influence, or perceive to influence, Council activities in exchange for gifts and benefits.

It is common for Members of Council to receive gifts and benefits in acting out their duties of office. This policy provides Members of Council with a clear process to handle these gifts and benefits.

This policy is aligned with and supports imagineCALGARY's governance system targets regarding access. For example, "Target 1 states that by 2016, 80 per cent of Calgarians report that they feel government activity is open, honest, inclusive and responsive."

This policy supports Council's Fiscal Plan for Calgary (2012-2014) priority #10 under the Becoming a More Effective and Disciplined Organization category which states the intention to "increase transparency and accountability throughout the organization."

PURPOSE

- This policy provides guidance for Members of Council on:
 - appropriate gifts and benefits to accept in acting out their duties of office; and
 - consistent processes for the acceptance, tracking and disclosure of these gifts and benefits accepted

APPLICABILITY

- This policy applies to all Members of City Council, including the Mayor.

EXCLUSIONS

- This policy does not apply to donations of land, services or funds that are contributed to The City of Calgary for the benefit of specific projects or the overall organization.



DEFINITIONS

For the purposes of this policy

Gifts and Benefits:

- Items, services and entertainment of value that are received by Members of Council for their personal use. Gifts and benefits include, but are not limited to:
 - Money, tickets to events, memberships, real property, clothing, jewelry, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities and invitations to social functions

Member of Council:

- A Member of Council, including the Mayor, duly elected, who continues to hold office at The City of Calgary.

Immediate Family:

- A Member's spouse or adult interdependent partner, the Member's children, the parents of the Member and the parents of the Member's spouse or interdependent partner. (Municipal Government Act)

POLICY

1. Members of Council shall not solicit, demand or request any gift or benefit by virtue of their position.
2. A gift or benefit provided to a Member's immediate family or the Member's staff, with the knowledge of the Member, that is connected directly or indirectly to the performance of the Member's duties of office, is deemed to be a gift to that Member and must be disclosed as per this policy.
3. Members of Council must disclose all accepted gifts or benefits valued at more than \$150 in replacement cost using the appropriate procedures indicated in this policy.
4. A Member of Council must never accept a gift of money, including pre-paid credit cards. This does not include compensation authorized by legislation, City bylaw, resolution of Council, or Council policy.
5. Notwithstanding (4) above, a member may receive compensation for serving on external bodies such as AUMA or FCM. Such compensation in addition to regular Council compensation, however, should be fully disclosed under this policy.
6. Notwithstanding (4) above, a Member of Council may receive honoraria for services rendered, such as speaking at a conference, where such services are directly linked to the members office. Such honoraria shall be disclosed under this policy. It is acceptable to have the hosts of such events reimburse or cover costs and expenses related to attendance, and these reimbursements shall be disclosed as per the Ethical Conduct Policy for Members of Council. Compensation for outside work not linked to the Member's office is not covered under this policy.

7. Members of Council and their staff may accept admission to events, as follows. The admissions must be disclosed as per this policy if their value exceeds \$150.
- a) Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, arts performance or similar event, offered by the entity responsible for organizing and presenting the event, if attending or participating in their official capacity, including:
 - (i) Participation in an event as a speaker or panel participant by presenting information related to City of Calgary matters;
 - (ii) Performance of a ceremonial function appropriate to the Member of Council's office; and
 - (iii) Attendance at an event that is appropriate to the official capacity of the Member of Council;
 - b) Admission to a charity or community organization event offered by the charity or community organization for whose benefit the event is being held
 - c) Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member of Council's duties in office and in the interest of The City;

Other tickets and admissions (e.g. tickets to a sporting event offered by a party other than the team) may be accepted, but must be disclosed if the value of all expenditures related to the event (e.g. tickets, food, transportation) exceeds \$150.

PROCEDURE

Disclosure of Gift or Benefit

1. Aldermen shall file a statement of disclosure with the Manager, Office of the Aldermen semi-annually of all gifts they have accepted valued at more than \$150.
2. The Mayor shall file a statement of disclosure semi-annually of all gifts accepted valued at more than \$150.
3. If a Member of Council receives multiple gifts or benefits under \$150 from a single individual or source in one calendar year, the received gifts or benefits must be disclosed if the combined value of these items for the calendar year is more than \$300.
4. The Manager, Office of the Aldermen, shall post a summary of received statements of disclosure from Aldermen on a semi-annual basis on The Office of the Aldermen's website in a Gifts and Benefits Register.
5. The Mayor shall post a summary of received statements of disclosure on a semi-annual basis on The Office of the Mayor's website in a Gifts and Benefits Register.
6. In the case that no gifts or benefits over \$150 are received, this shall also be noted in the semi-annual summary in a Gifts and Benefits Register on the respective websites.
7. Nothing in this policy prevents disclosure of gifts valued under \$150.

The Statement of Disclosure Must Include:

1. For physical gifts, a description of the gift or benefit, date it was received, estimated value (where possible to estimate), source, and circumstances under which the gift or benefit was received
2. For third-party hosting, the date, name of event, description of benefit (e.g. "two hockey tickets, dinner, and hospitality") and name of host.
3. For tickets to an arts and cultural event offered by the organization hosting the event, the date, the name of the event, and the name of the organization.

Policy Breaches

1. Members of Council have a duty to help create a transparent, fair and accountable municipal government. Accordingly, Members have a duty to question whether another Member is violating legislation, ethics or behaviour relating to Calgary's government, as set forth in this policy.
2. Anyone who believes a Member is in violation of this policy may report their concerns in accordance with The City's Whistle-Blower Policy. Investigations of violations and investigation outcomes will be administered in accordance with The City's Whistle-Blower Policy and Program. The Whistle-Blower Program ensures all reports received are appropriately reviewed. See: The Whistle-Blower Policy CC026 for further information.
3. Members of Council may also report alleged violations of this policy in a Personnel Item report to be brought to an In-Camera Meeting of the Priorities and Finance Committee of Council.
4. Should a Member of a Council breach any of the principles as outlined in this policy, the possible courses of action that are available to Council include, but are not limited to:
 - a) Apology by the Member of Council to the impacted individual(s)
 - b) Removal of the Member from Council Committees other than Standing Policy Committees or other representative bodies
 - c) Dismissal of the Member from a position of deputy Mayor or Chairperson of a Committee
 - d) Educational training on ethical conduct provided by a third party at the expense of the Member of Council's office budget
 - e) Any action taken by Council should include a time frame and what remedial action is expected
5. A decision to apply one or more of the actions detailed in (a-d) above requires a Council resolution.
6. 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 the Priorities and Finance Committee of Council..

Responsibilities**The Manager, Office of the Aldermen**

- Is responsible for providing guidance to all Members of Council concerning the acceptance and disclosure of gifts and benefits received in acting out their duties of office.
- Is responsible for ensuring gifts and benefits disclosed by Aldermen are tracked and posted in a Gifts and Benefits Register on the Office of the Aldermen's website on a quarterly basis .

Office of the Mayor

- Is responsible for ensuring gifts and benefits disclosed by the Mayor are tracked and posted on the Office of the Mayor's website on a quarterly basis.

Policy Alignment

- Ethical and Respectful Conduct Policy for Members of Council (Proposed)
- Whistle-Blower Policy CC026
- Transparency and Accountability Policy CC039

AMENDMENTS

None. New policy