

DISCLOSURE POLICY FOR MEMBERS OF COUNCIL – DEFERRAL REPORT

EXECUTIVE SUMMARY

Council directed the City Clerk's Office to draft a Disclosure Policy for Members of Council to be adopted by Council with respect to real estate holdings within the boundaries of the City of Calgary and possibly include other assets and interests. To allow for further investigation and consultation with Members of Council, City Clerk's is requesting a deferral of the report proposing a Disclosure Policy for Members of Council to a future meeting of the Legislative Governance Task Force (LGTF).

ADMINISTRATION RECOMMENDATION(S)

That the Legislative Governance Task Force approve a deferral of the report proposing a Disclosure Policy for Members of Council to a future meeting of the Legislative Governance Task Force.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2013 May 23 meeting of the LGTF, the City Clerk received direction regarding the Disclosure Policy for Members of Council and was directed to return to the Task Force no later than July 2013. LGTF further directed the City Clerk to provide 'options on financial investment disclosure' as part of the Disclosure Policy for Members of Council.

At the 2013 April 22 Regular Meeting of Council, the City Clerk was directed to draft a Disclosure Policy to be adopted by Council with respect to real estate holdings within the boundaries of the City of Calgary and possibly include other assets and interests.

BACKGROUND

Following the 2013 May 23 meeting of LGTF, City Clerk's investigated potential options on financial investment disclosure and prepared a report for the 2013 June 28 LGTF meeting. This report was not presented to the LGTF due to the cancellation of the 2013 June 28 LGTF meeting. This cancellation, combined with the 2013 June flood and the Municipal election, did not allow City Clerk's to engage all stakeholders and complete the necessary consultations with LGTF Members.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Division 6 (Sections 169-173) of the *Alberta Municipal Government Act (MGA)* addresses pecuniary interest and the disclosure of conflicts of interest. Section 174 of the *MGA* specifies that contravention of section 172 (the requirement to remove oneself from a discussion and abstain from a vote where one has pecuniary interest) results in disqualification from Council. Any disclosure required by a real estate registry/financial disclosure policy would not exempt a Member of Council from having to abide by the *MGA*'s pecuniary interest disclosure requirements.

Subsequent to the City Clerk's report to the cancelled 2013 June 28 meeting of the LGTF, the Mayor's Office requested inclusion of additional information into the report. Due to the circumstances outlined above, City Clerk's was unable to conduct a comprehensive engagement with all stakeholders in order to obtain additional information or hold further consultations with the Mayor's Office and newly elected Members of Council.

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A deferral is requested to allow City Clerk's to engage all stakeholders, and conduct further consultations with LGTF Members. Following consultations, City Clerk's will return with a report proposing a Disclosure Policy for Members of Council to a future meeting of the LGTF.

Stakeholder Engagement, Research and Communication

Comparable disclosure expectations were researched. For the real estate topic, key resources included the City of Winnipeg, the City of Edmonton, the Alberta *Schools Act*, the Alberta *Conflict of Interest Act*, the *Alberta Municipal Government Act* (MGA), and the City of Calgary's previous real estate registry. For the financial disclosure topic, added on 2013 May 23 by LGTF, the Alberta *Conflicts of Interest Act* was reviewed. Additional required consultations were not completed with all stakeholders, including Law.

Strategic Alignment

The proposed policy is aligned with Council's Fiscal Plan for Calgary, priority 10, "Increase transparency and accountability throughout the organization" and supports the imagine CALGARY target "T1 – By 2016, 80 per cent of Calgarians report that they feel government activity is open, honest, inclusive and responsive." In addition, the proposed policy is aligned with Council's *Transparency & Accountability Policy* (CC039) and the *Ethical Conduct Policy for Members of Council* (CC042).

Social, Environmental, Economic (External)

Adopting and implementing a Disclosure Policy for Members of Council helps reinforces public trust in local elected officials and underlines the City's commitment to ethical decision-making process.

Financial Capacity

Current and Future Operating Budget:

There is currently no budget to administer this program. The Manager of the Office of the Councillor's indicated that the publication of the document can be incorporated into Members of Council expense publication activities, so no additional budget needs are anticipated. Should Council decide to pass a Disclosure *Bylaw* for financial investment disclosure, a designated officer will be required to compile the information. This function would be absorbed in City Clerk's operating budget.

Current and Future Capital Budget:

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

Risk Assessment

Publishing detailed property ownership information increases the risk of Members of Council having their residence location become more widely known. Choosing not to publish that same information increases the risk that members of the public will lose faith in the impartiality of their City Council.

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REASON(S) FOR RECOMMENDATION(S):

A deferral is requested on a report proposing a Disclosure Policy for Members of Council to a future meeting of the LGTF to allow for further investigation and consultation with Members of the LGTF and Members of Council.

ATTACHMENT(S)

None