



COUNCIL POLICY

Policy Title:	Gifts and Benefits Policy for Members of Council
Policy Number:	CC043
Report Number:	PFC2013-0371
Approved by:	Council
Effective Date:	2017 May 29
Business Unit:	Office of the Councillors and Office of the Mayor

BACKGROUND

1. 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.
2. 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.
3. 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."

PURPOSE

4. This Council policy provides guidance for Members of Council with respect to:
 - a. appropriate gifts and benefits to accept in acting out their duties of office; and
 - b. consistent processes for the acceptance, tracking and disclosure of these gifts and benefits.

APPLICABILITY

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

EXCLUSIONS

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



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- b. campaign contributions. Campaign contributions must be disclosed in accordance with the *Local Authorities Election Act* RSA 2000 c. L-21.

DEFINITIONS

7. For the purpose of this Council policy:
- a. “Gifts and Benefits” means 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;
 - b. “Immediate Family” means a Member of Council’s spouse or adult interdependent partner, the Member of Council’s children, the parents of the Member of Council and the parents of the Member of Council’s spouse or interdependent partner (*Municipal Government Act*); and
 - c. “Member of Council” means a Member of Council, including the Mayor, duly elected, who continues to hold office at The City of Calgary.

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- 8. Members of Council shall not solicit, demand or request any gift or benefit by virtue of their position, other than as provided in the Council policy on *Indemnification of Members of City Council* (CC010) or except after full disclosure to, and in compliance with a written opinion from, the Ethics Advisor.
- 9. A gift or benefit provided to a Member of Council’s immediate family or the Member of Council’s staff, with the knowledge of the Member of Council, that is connected directly or indirectly to the performance of the Member of Council’s duties of office, is deemed to be a gift to that Member and must be disclosed as per this Council policy.
- 10. 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 Council policy.
- 11. A Member of Council must never accept a gift of money, including pre-paid credit cards, other than as provided in the Council policy on *Indemnification of Members of City Council* (CC010) or except after full disclosure to, and in compliance with a written opinion from, the Ethics Advisor. This does not include



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compensation authorized by legislation, City bylaw, resolution of Council, or Council policy.

12. Notwithstanding (11) above, a Member of Council may receive compensation for serving on external bodies such as the Alberta Urban Municipalities Association (AUMA) or the Federation of Canadian Municipalities (FCM). Such compensation in addition to regular Council compensation, however, should be fully disclosed under this Council policy.
13. Notwithstanding (11) 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 Member's Office. Such honoraria shall be disclosed under this Council 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* (CC042). Compensation for outside work not linked to the Member of Council's office is not covered under this Council policy.
14. Members of Council and their staff may accept admission to events. The event, plus all related expenditures (e.g. ticket, food, transportation, hotel), must be disclosed in accordance with this Council policy if the value exceeds \$150.

PROCEDURE

15. Disclosure of Gifts and Benefits

- 15.1 Councillors shall file a statement of disclosure with the Manager, Office of the Councillors semi-annually of all gifts or benefits they have accepted valued at more than \$150.
- 15.2 The Mayor shall file a statement of disclosure semi-annually of all gifts or benefits accepted valued at more than \$150.
- 15.3 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.
- 15.4 The Manager, Office of the Councillors, shall post a summary of received statements of disclosure from Councillors on a semi-annual basis on The Office of the Councillor's website in a Gifts and Benefits Register.



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- 15.5 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.
- 15.6 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.
- 15.7 Nothing in this policy prevents disclosure of gifts valued under \$150.

16. Statement of Disclosure

- 16.1 The Statement of Disclosure must identify the following:
- a. Gift or benefit type (physical gift or event);
 - b. Name of the event and description of associated benefits, or description of physical gift;
 - c. Estimated value (where possible to estimate);
 - d. Source of the gift or benefit, and date of receipt;
 - e. Member of Council, and ward;
 - f. Recipient(s); and
 - g. Date on which the gift or benefit was reported.

17. Council Policy Breaches

- 17.1 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 Council policy.
- 17.2 A Member of Council, or any individual, who believes a member of Council is in violation of the policy may report their concerns in accordance with the Integrity Commissioner Complaints Policy.
- 17.3 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 ;



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- 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.

17.4 A decision to apply one or more of the actions detailed in (a-d) above requires a Council resolution.

17.5 All substantiated violations and reports shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner Complaints Policy.

18. Responsibilities

18.1 The Manager, Office of the Councillors is responsible for:

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

18.2 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.

19. Policy Alignment

- a. *Ethical Conduct Policy for Members of Council* (CC042);
- b. *Members of Council and Election Campaigns* (CC041);
- c. *Whistle-Blower Policy* (CC026); and
- d. *Transparency and Accountability Policy* (CC039).

AMENDMENTS

Date of Council Decision	Report/By-Law	Description
2017 May 29	PFC2017-0426	Adopted proposed amendments in Policy sections 8 and 11 to recognize fundraising and acceptance of donations as an exception to the Gifts and Benefits Policy for Members of



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		Council and to bring Council policies into alignment with each other.
2016 December 19	LGT2016-0951	Adopted proposed amendments, in consultation with the Integrity and Ethics Office, City Solicitor and City Auditor, to improve clarity and guidance to Members of Council and to shift enforcement of Council policy CC043 to the Integrity Commissioner (formerly exercised by the City Auditor): 1. Repealed Clauses 17.2-17.3 and 17.6 and replace with the following new clauses: "17.2 A Member of Council, or any individual, who believes a member of Council is in violation of the policy may report their concerns in accordance with the Integrity Commissioner Complaints Policy. 17.5 All substantiated violations and reports shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner Complaints Policy."
2013 October 21	Bylaw 40M2011	Discontinue the use of the title "Alderman" in favour of the title "Councillor"
2015 May 11	LGT2015-0340	Council adopted amendments to bring greater clarity to the acceptance and disclosure of gifts and benefits, as well as to the overall disclosure process.
2013 April 22	PFC2013-0371	Adopted Policy CC043, effective 2013 July 01

REVIEW(S)

Date of Policy Owner's Review	Description
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PFC2017-0574
Attachment 4

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