



City of Kelowna
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Council Policy

Conflict of Interest

ESTABLISHED April 19, 2004

Contact Department: Office of the City Clerk

Guiding Principle

The *Community Charter*, Section 100, establishes the responsibility of disclosing a conflict of interest and how a Council member will conduct themselves when a declaration has been made. Sections 101 to 104 place restrictions on the participation of a Council member if in conflict and detail exceptions from conflict restrictions.

It is the personal responsibility of each Council member to be aware in good faith of their conflicts of interest and to make the decision to declare them and to conduct themselves in accordance with that legislation. When a Council member is deemed to be in a conflict of interest, they will participate in the matter only to the extent of stating their reason for being in a conflict and then withdraw from the meeting without further commentary.

Purpose

To establish guidance to provide clarity on conflict of interest processes established in the *Community Charter*.

Application

This policy applies to members of Council.

Policy Statements

1. If a question as to a possible conflict of interest of a Council member is raised to the City Manager by someone other than that particular Council member, the City Manager will:
 - a) notify the member in writing as soon as possible;
 - b) consult with the member in question; and
 - c) determine whether it is in the City's best interest to seek legal advice as to the possible conflict of interest from the City's legal service provider.
2. The City Manager must maintain the confidentiality of a third party raising a question as to a possible conflict of interest, unless the third party has granted written permission to release their identity.
3. A Council member may at any time obtain their own legal advice as to a possible conflict of interest from their own legal advisor.
4. If legal advice is sought by a Council member from their own legal advisor as to a possible conflict of interest, the cost of such advice must be paid for by the member and the solicitor-client privilege pertaining to that advice is the member's.
5. If legal advice is sought by the City Manager from the City's legal service provider as to a possible conflict of interest, the cost of such advice must be paid for by the City and the solicitor-client privilege pertaining to that advice is the City's.

Amendments

Resolution Date: 23/09/11

Replacing: R375/10/04/26; R365/04/04/19