

# STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

**DATE:** January 22, 2024

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Ethan Anderson, Manager of Legislative Services/Corporate Officer

**SUBJECT:** Independent Legal Advice regarding Conflict of Interest Funding

**ATTACHMENT(S):** Draft Policy – Independent Legal Advice – Conflict of Interest

**RECOMMENDATION(S):**

That Council CONSIDERS the draft policy “Council Member Fund for Independent Legal Advice on Conflict of Interest” as attached to the report dated January 22, 2024, and titled “Independent Legal Advice regarding Conflict of Interest Funding.”

**PURPOSE:**

For council’s consideration of establishing a budget to fund independent legal advice regarding conflict of interest in accordance with a Council Motion on January 30th, 2023.

**BACKGROUND:**

Council adopted the following motion on January 30th, 2023:

*That Council DIRECTS Administration to return a report to Council with options regarding the provision of funds to allow members of Council to access independent legal advice as it relates to conflicts of interest.*

**Carried**

The ability to establish a fund for council to access independent legal advice as it relates to conflict of interest is within the authority of the council. A resolution to establish a fund and a funding source are what is required for Council to provide the authority.

Staff research found one other municipality in BC providing independent legal advice funding to its Council members. That was the City of Vancouver. The City of Vancouver provided each member of their council with a \$5,000 budget.

Staff suggest placing parameters in place for the use of this funding. As the motion of council directs, limiting this use of funding to specifically conflict of interest questions and advice. This could be when:

- A council member becomes aware of an issue after an agenda has been published, and wishes to receive advice on whether they are in conflict; or

- When a council member has declared a conflict of interest in a council meeting. In this case legal advice is required to re-enter the Council debate on the issue and this fund could provide them with the relief of burden of funding that legal opinion.

Staff would suggest that the use of this fund should not be used when an issue is not actively before council. For example, a land-use application has been received, but it is not yet established if it will appear before council. Staff suggests that this should not qualify for use of this fund as the conflict would be hypothetical at that point.

Staff are suggesting the same budget as established by the City of Vancouver. This budget can be funded out of contingency.

For clarity, staff has prepared wording that would clearly indicate that the funding does not include any expenses incurred in defending a proceeding for which a Council Member is indemnified under the City of Prince George indemnification bylaw.

#### **STRATEGIC PRIORITIES:**

This report supports council's Priorities of City Government and Infrastructure and Effective Governance.

#### **FINANCIAL CONSIDERATIONS:**

If approved, the funding of an independent legal advice on conflict of interests fund in the amount of \$45,000 can be funded from contingency for 2024. Each council member would be allocated a maximum of \$5,000. This cost would be built into the Mayor and Council operating budget for 2025 and beyond.

#### **SUMMARY AND CONCLUSION:**

If council wishes to proceed with a fund established for independent legal advice on conflicts of interest, then it would be in order for council to pass the recommendation set out above. Administration is recommending \$5,000 per Council member and for it be funded from Contingency.

Options for council to Consider:

1. To APPROVE the policy as drafted.
2. To APPROVE the policy as amended by council direction.
3. To DIRECT staff to provide additional information as specified by council.
4. To reject the policy.

#### **RESPECTFULLY SUBMITTED:**

Ethan Anderson, Manager of Legislative Services/Corporate Officer

#### **APPROVED:**

Andy Beesley, Acting City Manager

Meeting Date: 2024-02-26