



Alberni-Clayoquot Regional District

CONFLICT OF INTEREST

Policy Issued by: Board of Directors
Date Adopted: October 25, 2017
Date(s) Amended:

1.0 PURPOSE

In order to maintain impeccable governance of and strong public confidence in the Alberni-Clayoquot Regional District, persons elected to office and serving on Board appointed committees and commissions must be free of conflict and from personal interest when carrying out their duties and exercising their authority.

This Policy is intended to establish guidelines to identify conflict of interest and potential conflict of interest for Members and to define responsibilities of and steps for Members and those supporting them in relation to conflict of interest.

The facts of each situation will be unique and will need to be considered when determining if a Member is in a conflict of interest situation. Accordingly, an overriding principle of this policy is that the Board approaches each situation openly, with a complete examination of the facts and without premature judgement, giving each Member support in making his or her own determination of conflict of interest.

It is important to recognize that there is nothing improper if a Member is in a conflict of interest situation so long as that Member conducts himself or herself appropriately in relation to the matter that gives rise to the conflict of interest.

2.0 POLICY

The Alberni-Clayoquot Regional District is committed to impeccable governance and stewardship that protects the interests of the ACRD and the communities it serves. Each Member commits to removing himself or herself from decisions or deliberations in which that Member has a conflict of interest.

This policy is not a substitute for qualified legal advice based upon a full examination of the facts and circumstances surrounding a matter.

2.1 APPLICATION

This policy applies every Member of the Board, committee or commission of the Board.

2.2 RESPONSIBILITY

Members are responsible to:

- Familiarize themselves with the legislation applicable to conflict of interest and this policy including the meaning and nature of conflict of interest and the actions to take in circumstances of conflict of interest;
- Not ignore/ leave unaddressed a violation (discussing, voting after declared conflict) by any Member; and
- Follow this policy and the provisions of the *Community Charter* and its regulations as they relate to conflict of interest.

The CAO is responsible to:

- Provide orientation to the Board in relation to conflict of interest;
- Bring attention to the Board Chair or Vice Chair any matters that may come to the attention of the CAO in relation to a potential conflict of interest for a Member; and
- Support the direction of the Board in relation to any conflict situation.

3.0 DEFINITIONS

The definitions related to Conflict of Interest contained in this policy are presented for convenience and general awareness only. They are not definitive and legal advice should be sought where appropriate. Members must be vigilant in familiarizing themselves with their obligations of office including relating to conflict of interest.

The Board: The Board of Directors of the Alberni-Clayoquot Regional District.

Member: A member of the ACRD Board or any of its Committees or Commissions.

Conflict of Interest: A conflict of interest is a situation in which an individual may have competing interests or loyalties. A conflict of interest will still exist where an outcome may affect (either negatively or positively) both interests.

Pecuniary Conflict of Interest: A conflict of interest in which the Board member has a direct or indirect financial interest in the matter.

Non-pecuniary Conflict of Interest: A type of interest that places the person in a conflict position without direct or indirect financial interest for the Member. This could include any benefit or detriment affecting relatives, close friends, or associates of a member who is in conflict. Examples may include a rezoning application by a relative or close personal friend or a competitor business to one operated by a relative or close friend.

Exemptions to a Conflict of Interest include:

- A pecuniary interest in common with electors of the municipality generally, also referred to as a “community of interest”. An example is a Board member who is a property owner and a ratepayer in a water system while voting on a water rates bylaw;
- The remuneration of elected officials;
- An interest so “remote or insignificant” that it “cannot reasonably be regarded as likely to influence the member;” and
- Any other exemption established by legislation, regulation or the common law.

4.0 PROCEDURES

- Each Member must evaluate a matter being considered by the Board or committee against his/her own interests to determine if a conflict of interest exists;
- A Member may approach the Chief Administrative Officer to discuss a matter in which s/he may be in a conflict of interest for the purposes of complying with this policy.

- Where a Member considers that he or she may be in a conflict of interest on a matter and wishes to determine if it is appropriate to participate, he or she should obtain a legal opinion either directly at his/her own cost or, for an ACRD Board Director, in accordance with the ACRD Board Policy on Legal Advice for Potential Conflict of Interest;

- Where a Member considers that he s/he may be in a conflict of interest on a matter and does not want to obtain a legal opinion, s/he should not participate in the matter;

- Where a Member considers that he s/he is in a conflict of interest, the Member must in accordance with Section 101 of the *Community Charter*:
 - declare that he or she is in a conflict of interest in the matter;
 - describe the general nature of conflict;
 - not take part in discussion relating to the matter nor vote on the matter;
 - immediately after declaring the conflict of interest, leave the meeting while the matter is being discussed;
 - not attempt to influence the vote on the matter; and
 - refrain from any discussions with other Members or with staff in any venue on the matter (before or after making formal declaration of the conflict of interest);
 - not re-engage in the matter in any way unless the Member, following legal advice, determines that he or she is not in conflict; and

- Before or after declaring a conflict of interest on a matter, in relation to that matter, the Member must obtain a legal opinion (at his or her own cost or in accordance with Appendix A of this Policy, if applicable) if he or she wishes to reverse a prior declaration of conflict of interest on a matter.

- Members are encouraged to engage one another directly in relation to possible conflicts of interest for matters going before the Board or committee.

- Members must respectfully inquire at a meeting of the Board or Committee if he or she believes another Member has a conflict of interest (and has not declared the conflict) regarding a matter being considered by the Board or one of its Committees;

5.0 REFERENCES / POLICY INTEGRATION

- Ministry of Community, Sport and Cultural Development, “Ethical Conduct”: http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/ethical_conduct.htm and references therein.
- ACRD Board Policy on Legal Advice for Potential Conflict of Interest
- Part 4:Division 6 – Conflict of Interest of the *Community Charter* (attached for convenience, current as at 2017 October 20)
- Conflict of Interest Exceptions Regulation 91/2016 to the *Community Charter* (attached for convenience, current as at 2017 October 20)