

**Date:** Tuesday, April 30, 2024  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Gwendolyn Kennedy  
**Subject:** Policy COU-08 – Legal Advice for Council Members on Conflict of Interest

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### **PURPOSE**

The purpose of this report is to seek Council's approval of proposed amendments to Policy COU-08, Legal Advice for Council Members on Conflict of Interest.

### **BACKGROUND**

At Regular Council Meeting No. 1593, held Tuesday, February 13, 2024, Council considered a staff report regarding Policy COU-08, Legal Advice for Council Members on Conflict of Interest, and passed the following resolution:

*THAT Council directs staff to amend Policy COU-008, Legal Advice for Council Members on Conflict of Interest, to allow reimbursement of the cost of independent legal advice, up to \$400 per year per council member, and to present the amended policy to Council for review at a future meeting.*

### **DISCUSSION & COMMENTS**

The draft policy incorporating the amendment requested by Council is attached as **Appendix A**. Changes and additions to the policy are shown in red and underlined. For comparison, the original policy is attached as **Appendix B**.

#### **Amendments**

The definition of conflict of interest was replaced with a note that conflict of interest is to be interpreted pursuant to section 4, division 6 of the *Community Charter*.

The phrase "at their own expense" in sentence 4 was replaced with the phrase "and may seek reimbursement for such advice pursuant to this policy."

Sentences 6 – 11 were added, establishing the following requirements:

1. the annual limit for reimbursement for independent legal advice is \$400 per councillor;
2. a council member seeking reimbursement must pay for the legal advice and submit detailed invoices for the legal service;
3. a council member will not be reimbursed for a second opinion on the same issue;
4. an independent legal opinion is the property of the council member who obtained it, regardless of whether the council member was reimbursed for the opinion;

5. it is expected that the council member will provide the independent legal opinion to the Village if this would assist the Village in a legal action; and
6. reimbursement is available to a council member only during their term of office.

Sentences 13 and 14 were added setting out the responsibilities for amendments to the policy.

### **COMMUNICATIONS**

Review of the draft amendment to Policy COU-08 does not entail a communications element.

### **LEGAL CONSIDERATIONS**

None

### **BUDGET & STAFFING**

The cost to provide legal advice under this policy will vary from \$0 to a maximum of \$2,000 in a year and can be accommodated under the Admin – Legal budget line (01-2-108100-6101).

### **INTERDEPARTMENTAL IMPACT**

This report has been reviewed and approved by Thomas Sikora, Manager of Finance

### **COMMUNITY CLIMATE ACTION PLAN**

The proposed amendment to Policy COU-08 has no impact on the [Community Climate Action Plan](#) strategies.

### **STRATEGIC PRIORITIES**

The proposed amendment to Policy COU-08 has no impact on the strategic priorities of Council.

### **IMPACT ON THE REGION**

The proposed amendment to Policy COU-08 has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

*Alternative options for consideration are as follows:*

**Option One:** Approve Policy COU-08, Legal Advice for Council Members on Conflict of Interest as presented or with the changes requested by Council.

**Option Two:** Refer Policy COU-08, Legal Advice for Council Members on Conflict of Interest back to staff for revision.

### **RECOMMENDATIONS**

**THAT** Council approves Policy COU-08, Legal Advice for Council Members on Conflict of Interest, as presented.

**ATTACHMENTS:**

**Appendix A:** Policy COU-08, Legal Advice for Council Members on Conflict of Interest, with revisions requested by Council.

**Appendix B:** Policy COU-08, Legal Advice for Council Members on Conflict of Interest, Approved 2015

Prepared by:	Gwendolyn Kennedy, Manager, Corporate & Legislative Services
CAO approval:	Elizabeth Tracy, Chief Administrative Officer