

MEMORANDUM

April 2, 2012

TO: Mayor Robertson and Councillors

COPY TO: P. Ballem, City Manager
S.A. Johnston, Deputy City Manager
D. McLellan, Deputy City Manager
M. Coulson, City Clerk
M. Welman, Director of Communications
W. Stewart, Assistant Director, Media Services
B. Prosken, Acting General Manager of Community Services
P. Judd, General Manager of Engineering Services
K. Munro, Director of Planning
Y. McNeill, Planner, Rezoning Centre

FROM: Frances J. Connell, Director of Legal Services

SUBJECT: Rize Public Hearing - Campaign Contribution Question

This memorandum provides the response to the following question raised by Councillor Carr at the March 27, 2012 Public Hearing:

“Have Legal Services report back on whether Political Parties or elected officials that received campaign contributions from the RIZE developers have a conflict of interest sitting on Council determining whether to approve the RIZE rezoning.”

Response from the Director of Legal Services

In a series of decisions going back to *King v. Nanaimo (City)* in 1999, British Columbia courts have considered the issue of whether the receipt of campaign contributions constitutes a pecuniary interest creating a conflict of interest for elected officials dealing with matters related to the donor of the campaign contribution. The courts have held that campaign contributions, in and of themselves, do not create a direct or indirect pecuniary interest or other interest that constitutes a conflict of interest. Accordingly, the fact that a member of

Council may have received a campaign contribution from the developer does not preclude that member from discussing or taking part in the vote on the developer's rezoning application.

A handwritten signature in black ink that reads "Frances J. Connell". The signature is written in a cursive style with a large, looped initial "F".

Frances J. Connell
Director of Legal Services

FJC/af