



ADMINISTRATIVE REPORT

Report Date: June 8, 2018
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VanRIMS No.: 08-2000-20
Meeting Date: June 19, 2018

TO: Vancouver City Council
FROM: Chief Human Resource Officer
SUBJECT: Financial Disclosure Act - Designation of Municipal Employees

RECOMMENDATION

- A. THAT Council adopt the resolution attached as Appendix "A", designating certain senior staff as municipal employees for purposes of the *Financial Disclosure Act*.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to repeal By-law No. 7331 as redundant upon Council approval of Recommendation "A".

REPORT SUMMARY

The Financial Disclosure Act (the "Act") mandates that individuals elected to municipal councils in British Columbia must provide an annual disclosure of specified financial interests, including shareholdings, creditors and interests in businesses and land. The Act also stipulates that municipal governments may designate municipal employees for purposes of the Act. Designated employees are subject to the same disclosure obligations.

By-law No. 7331, enacted by City Council on September 13, 1994, designates a number of City of Vancouver positions as municipal employees for purposes of the Act. The list of positions delineated in By-law No. 7331 requires revision to reflect changes in organizational responsibilities and position titles since 1994. Staff also recommend designating these positions by way of resolution and expanding the designated positions to include additional roles that entail decision-making authority or material influence over matters pertaining to real estate, land use or business licensing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

By-law No. 7331, “A By-law to designate municipal employees pursuant to the Financial Disclosure Act”, enacted September 13, 1994.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT**Background/Context**

The Financial Disclosure Act (the “Act”) prescribes a set of personal information that must be disclosed on an annual basis by members of municipal councils in British Columbia. The required disclosures include the following:

- a) the name of each corporation in which the person or a trustee for the person holds one or more shares;
- b) the name of each business situated or carrying on business in Metro Vancouver and financially remunerating the nominee or public employee as an owner, part owner, trustee or partner;
- c) the name of each business located or carrying on business in Metro Vancouver and financially remunerating the nominee or public employee for services performed by the person as an employee;
- d) the name of each organization located in Metro Vancouver and financially remunerating the nominee or public employee for an office held by the person that is not disclosed under paragraph (b) or (c);
- e) the name of the creditor for each debt of the nominee or public employee;
- f) a description and location of land located in Metro Vancouver in which the nominee or public employee, or a trustee for that person, owns an interest or has an agreement entitling him or her to acquire an interest.

The Act also bestows on municipal councils the discretion to extend the foregoing mandatory disclosure obligations to designated municipal employees. Vancouver City Council enacted By-law No. 7331, “A By-law to designate municipal employees pursuant to the Financial Disclosure Act” (the “By-law”) in September 1994. The By-law designates several senior positions as municipal employees for the purposes of Act and thereby establishes an obligation for incumbents in those positions to fulfil the disclosure requirements of the Act.

While the disclosure statements provided by elected officials are open to review by members of the public, the personal financial information provided by designated municipal employees is not accessible by the general public. Disclosure statements are provided by designated employees to the City Clerk and are accessible by members of City Council.

Strategic Analysis

The list of positions included in the By-law has not been updated since 1994. There has been significant evolution in roles and job titles since that time and many of the job titles listed are no longer in use. At minimum, the designation of employees for purposes of the Act should be updated to reflect current job titles.

In addition to the foregoing update, staff have reviewed the application of the disclosure requirements in the context of the transparency objectives that the Act is intended to support. In that regard, staff recommend expanding the designation of positions for purposes of the Act to include managerial roles that include decision-making authority or significant influence over matters relating to real estate purchases or valuation, land use, development or business licensing. For positions that entail such responsibilities, staff recommend that there is a rational and defensible basis for designation under the Act and the corresponding requirement for annual disclosure of personal financial interests.

The list of positions designated as municipal employees pursuant to By-law No. 7331 includes the Police Chief and the Director of the Vancouver Public Library. These individuals are employed by the Vancouver Police Board and the Vancouver Public Library Board. As such, the recommended resolution excludes these positions from the list of designated positions.

Implications/Related Issues/Risk

Financial

There are no financial implications.

Human Resources/Labour Relations

The designation of positions for purposes of the Act as set out in the recommended administrative policy is consistent with Council's authority under the Act. Council's statutory authority is not constrained by the terms of individual employment contracts with designated employees.

CONCLUSION

The resolution that is recommended for Council's endorsement represents a necessary update to the existing scope of application of the *Financial Disclosure Act*, as well as a material expansion to provide for mandatory financial disclosures from managerial staff who hold responsibilities related to real estate, land use planning, development and/or licensing.

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**Resolution to designate Senior Municipal
Employees under the Financial Disclosure Act.**

WHEREAS the Financial Disclosure Act, R.S.B.C. 1996 c. 139, requires that a designated municipal employee must disclose certain financial holdings in accordance with the Financial Disclosure Act.

THEREFORE BE IT RESOLVED THAT the Council of the City of Vancouver hereby designates the persons who hold or are appointed to any of the following offices or positions to be a "municipal employee", as that term is defined in the Financial Disclosure Act:

- (a) City Manager;
- (b) Deputy City Manager;
- (c) Chief Human Resources Officer;
- (d) General Manager, Real Estate and Facilities Management;
- (e) Fire Chief and General Manager, Vancouver Fire and Rescue Services and Emergency Management;
- (f) Director of Legal Services;
- (g) General Manager, Planning, Urban Design and Sustainability;
- (h) General Manager, Engineering Services;
- (i) General Manager, Development, Buildings and Licensing;
- (j) General Manager, Park Board;
- (k) General Manager, Finance, Risk and Supply Chain Management;
- (l) Communications Director;
- (m) General Manager, Arts, Culture and Community Services;
- (n) Directors, Assistant Directors and Managers in the Department of Development, Buildings and Licensing;
- (o) Directors and Assistant Directors and Managers in the Department of Planning, Urban Design and Sustainability; and
- (p) Directors, Associate Directors and Managers in the Department of Real Estate & Facilities Management.

AND BE IT FURTHER RESOLVED THAT this resolution does not designate anyone as a municipal employee if they hold an office or position named in this resolution on an acting or temporary basis only.

AND BE IT FURTHER RESOLVED THAT this resolution comes into force and takes effect upon the repeal of By-law 7331.