

M e m o



Date: May 10, 2004
To: Advisory Committee Chairs
Advisory Committee Secretaries
From: Robert Woodland, Corporate Administrator
Department: Legislative Services
Regarding: Amended Rules of Procedure

At their April 8, 2004 meeting Council adopted *Council Bylaw No. 04-18* that amends the rules of procedure for Council and all committees of Council in accordance with the Community Charter. A copy of this bylaw, which also repeals the previous *Council Bylaw*, is attached for your reference.

The most significant change in the new Bylaw is the clearer definition of conflict of interest and the restrictions on participation when a member has a conflict of interest. These definitions and restrictions are contained in Appendix 1 to the Bylaw, which I ask you to distribute to each committee member.

The new Bylaw defines two types of conflict in terms of a member's:

1. Direct or indirect **pecuniary** interest in a matter before the committee; and
2. Other interest (**non-pecuniary**) in a matter before the committee that gives rise to a real or potential conflict .

One way to conceptualize pecuniary interest is to see it as a financial gain (or loss) that accrues directly to the member (direct pecuniary interest) or that accrues to the member's household or family member (indirect pecuniary interest). The restrictions and penalties that arise from participating when in conflict with a matter before a committee are outlined in Sections 101 to 103 of the Appendix, along with some exceptions to these rules (Section 104).

One way to conceptualize a conflict arising from a non-pecuniary interest is to see this as a personal bias in which there is no financial gain (or loss) accruing to the member. For example, a bias might arise when a member's friend has an application before a committee or when a volunteer group to which the member belongs has a matter before the committee. A suggested test for bias is for members to ask themselves whether others might consider the member able to fairly evaluate the matter in light of the interest. A person declaring a non-pecuniary interest must abide by the restrictions outlined in Section 101.

A comprehensive review of these new rules will be included in the next orientation session for all Advisory Committees in January 2005. In the interim, I would be pleased to attend a committee meeting to answer questions from your members.

Robert Woodland
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