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Personal Liability - continued

- personal liability
- s. 287 – statutory exemption exceptions (gross negligence, malicious/wifful misconduct, dishonesty, defamation)
- s. 287.2 – indemnification
- s. 287.1 – defence for financial officer

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Personal Liability - continued

- financial matters
 - section 191 *Community Charter*
 - Powell River* case
- personal liability and disqualification of elected officials
- financial officers – defence s. 287.1
- Hinton* case
- legal opinion – evidence of good faith

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Public Hearings

- requirement to hold formal hearing
- hearing held during Council meeting?
- notice of hearing
- disclosure of material to public
- conduct of hearing

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Public Hearings - continued

- o conduct of hearing
- o general rules
- o speakers' sign-in
- o speaking order
- o speaker time limit
- o speaker submission limit
- o speaker list

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Public Hearings - continued

- o control of speakers' time
- o repetition of submissions
- o duration of hearing
- o continuation of hearing
- o submissions at council Q & A session

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Public Hearings - continued

- o information package
- o correspondence - what is included?
- o written submissions
- o counting submissions
- o FOI documents
- o separate bylaws

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Procedural Fairness Hearings

- o doctrine of fairness
- o when applicable
- o rules of fairness
- o legitimate expectations

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Conflict of Interest

- o disqualification from voting
- o disqualification from office/disgorgement
 - o direct or indirect pecuniary interest
 - o outside influence
 - o inside influence
 - o gifts
 - o contracts
 - o inside information
 - o exceptions
- o declaration

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Conflict of Interest – Continued

- o pecuniary interest
 - o property interest – *Hawrelak*
 - o competitor – *Westend Services*
 - o client – *McCaghren*
 - o contractor – *Sacks*
 - o developer – *Casson*
 - o business owner – *Wannamaker*

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Conflict of Interest - Continued

- owner adjacent to works – *Jackson*
- amount not an issue - \$19.66 – *Letherby*
- ignoring solicitor opinion – *Blake*
- campaign contribution – *King*
- family members - *Greene*
- lobbying or influencing Council

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Conflict of Interest - Continued

- disqualification from voting
 - bias/reasonable apprehension of bias
 - Richmond; St. Boniface*
 - personal interest – client, family, patient, contractor, close friend and political agent.
 - L'Abbee* case
- s. 122 *Criminal Code* – fraud/breach of trust
- director of society or corporation

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Gifts

- receipt of gifts prohibited
 - disqualification from office
- exception
 - protocol/social obligations
 - limit
 - disclosure

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Q & A

Questions?
