

Guidelines for Individual Electoral Area Directors for the Issuance of Community Grants

Who can receive a community grant?

The *Municipal Act* provides electoral area directors the ability to provide assistance for the purpose of benefiting the community or any aspect of the community. This would preclude the provision of assistance to an individual. However, the Regional Board could provide the money to a service club, who could in turn, create a fund to provide assistance to individuals who meet certain criteria.

Furthermore, the *Municipal Act* does not permit the provision of assistance to an industrial, commercial, or business undertaking. There are provisions within in the *Municipal Act* for this type of assistance, but the process will involve an assent process and the development of an agreement.

The Regional Board should establish the recipients of regional community grants before the adoption of the final budget, to ensure that the Regional Board can deal with all requests at the same time. If the requests are not dealt with within the final budget, the Regional Board will have to address each request after the adoption of the final budget on an individual basis. However, the Regional Board may, by bylaw, delegate authority to individual electoral area directors to allocated grants-in-aid after the adoption of the final budget on the condition that there are sufficient funds within the budget.

How much can I give?

The limit of the budgeted expenditure for providing assistance is the amount that would be obtained by a tax of \$0.10 per \$1,000 on the net taxable value of land and improvements in the regional district. However, the board may provide that assistance is to be apportioned among the municipalities or electoral areas benefiting from the assistance, but the total of all assistance for which a municipality or electoral area may be charged under this section must not exceed the limit.

Could I be in a conflict of interest?

Electoral area directors should always seek their own legal advice with respect to conflict of interest; however, the following should provide some direction:

“Although the *Watson* decision illustrates that the courts are not anxious to disqualify council members from voting on the basis of an affiliation with a service club or a religious group, Council members should exercise caution when dealing with matters involving their organizations. In particular, a Council member should withdraw from Council’s consideration of grants in aid to local organizations or local chapters of organizations in which they are a participant.

The factors which are likely to be taken into account in determining whether a councillor has a conflict involving a decision concerning an organization which they support include:

- (a) the degree of the Council member’s involvement in the organization (for example, if the member is one of the directors of the organization and therefore owes a duty of loyalty to the organization, a conflict of interest is inevitable.

- (b) the size of the organization (for example, an agreement with a national organization is less likely to create a conflict than an agreement with a local organization having only a few members)
- (c) the impact of the decision on the organization (decisions involving payments or the use of municipal land are usually more significant than matters such as proclamations).¹

¹ Anderson, G., "Councillor Conflict of Interest After King" Local Government Law Seminar (1999)