

Dawson Regional Planning Commission

Process of Selecting Chairperson:

*Note: Before selection of Chairperson, the Commission must determine the term of office. It is recommended that an Interim Chair be selected with a 3-6 month term (identify term during selection process). Tasks for Chairperson will be reviewed prior to selection.

Method # 1: Selection Via Volunteer

1. Who amongst the commission will volunteer to be Chairperson?

- *If one volunteer. Confirm with individual that he/she accepts. Proceed to motion of acceptance, reference name of volunteer, term of office.*

moved _____ seconded _____

Carried by consensus

- *If two volunteers. With a quorum of four commissioners, request 2 volunteers temporary leave. Commissioners deliberate and make consensus decision on who shall be Chairperson. Confirm with individual that he accepts. Proceed to motion of acceptance, reference name of volunteer, term of office.*

moved _____ seconded _____

*Carried by consensus *Thank other volunteer for standing in the process*

- *If three volunteers. Commission request that the three volunteers deliberate among themselves to determine one to step down. With a quorum of four commissioners, request 2 volunteers temporary leave. Commissioners deliberate and make consensus decision on who shall be Chairperson. Confirm with individual that he accepts. Proceed to motion of acceptance, reference name of volunteer, term of office.*

moved _____ seconded _____

*Carried by consensus *Thank volunteers for standing in the process*

Method # 2: Selection Via Nomination

- *the facilitator announces the floor is open for nominations for Chairperson*
- *Commission member nominates 1st individual. Confirm acceptance*
- *Facilitator asks for any other nomination*

- *Commission members nominates 2nd individual (if needed) Confirm acceptance*
- *Facilitator calls for nomination cease. With a quorum of four commissioners, request 2 nominees temporary leave. Commissioners deliberate and make consensus decision on who shall be Chairperson. Confirm with individual that he/she accepts. Proceed to motion of acceptance, reference name of volunteer, term of office.*

moved _____ seconded _____

Carried by consensus

If consensus cannot be reached on selection of Chairperson

- *An election process determined by the Commission. Voting by show of Hands (Yayes/Nayes) or voting by secret ballot (voting slips and scrutinizing the results.)*

Evaluating Conflict of Interest amongst Planning Commission Members

2010

A. Background

Conflict of interest is a common problem on regional planning boards, particularly when commission members hold private property or interests in the planning region (see attached article "*Tips for New Commissioners: Tip # 7: Recognize Conflicts of Interest*").

The assessment of conflict of interest should occur at three stages:

- during the selection review process for commissions members done by the Yukon Government and First Nations (see Planning Commission Nominations: Getting the Right Balance and the Right Skills, YLUPC publication);
- **near the beginning of the planning exercises to be proactive about potential conflicts that may arise during the planning process** (this exercise) and;
- when specific planning topics are addressed by the planning commission and that may render a member to be in conflict of interest.

This session is an assessment of the likelihood that conflict of interest issues will arise during the planning process and is aimed at being proactive about dealing with actual conflict. It is not an assessment of any specific land use related issue.

There are two potential sources of conflict of interest that public boards face:

- 1) **decisions that relate to expenditure of the funds provided to the Commission.**
Examples of these would include the catering contracts for Commission meetings and events, staffing and planning related contracting and joint projects and partnerships.
- 2) **decision that relate to the content of a draft land use plan** and the associated regional planning process:

Examples of planning work: assessment of regional resource information, the application of the land designation system to the region including recommendations regarding protected areas, resource development zones, access corridors

The conflict of interest assessment being done in *this session* is focused primarily upon **decisions that relate to the land use plan and the process associated with its development.**

B. Introductory Points about Conflict of Interest

1. Every Party, agency or member of the public is entitled to a fair hearing and decision, free from bias or favour;
2. Having a conflict of interest can threaten the impartiality of the Commission;
3. Any indication from a commission member that they hold the interests of “the Parties”, a special interest group or **themselves** above that of the Commission’s work threaten the view that planning is being done in the best interest of implementing Chapter 11: Land Use Planning;
4. If conflict of interests are not addressed, they can seriously jeopardize the effectiveness of the Commission by creating *distrust* both between commission members and from the perspective of the public/stakeholders/Parties;
5. Conflict of Interest is very common and, almost inevitable, when selecting knowledgeable people to a planning Commission. **The key is to manage it (if possible).**

C. Basic Steps in Managing Conflict of Interest

1. **Identifying Your Conflict:** you must first be made aware that a conflict exists. It is best if you identify the conflict yourself and not wait until someone identifies it for you. To determine if you have a conflict of interest, refer to the Commission’s policies and procedures (attached) or ask yourself the question shown on Figure 1, Column 1.
2. **Disclosing Your Conflict:** tell other Commission members about your potential conflict and error on the side of telling fellow commissions about even small potential conflicts. You can recommend a course of action for yourself to deal with it (i.e. disqualify yourself from a decision) or let the Commission decide on an appropriate course of action. **A record of disclosure should be noted.**
3. **Commission Decision:** Manageable or Not? Once disclosed, the Commission must first decide if it is a conflict of interest or not. If the answer is “yes”, the next step is to answer the question “can it be managed”. Management action may include:

Restricting Involvement: it may be appropriate to restrict the members involvement in conflicted matters, refraining from taking part in debate about subjects, abstaining from voting on an issue or restricting access to information on the topic to a member

Relinquishing Conflicting Interest: giving up the personal, professional or private interest may be valid strategy for ensuring there is no conflict with your public duty. This may be the relinquishment of shares or membership in a club or association.

Resigning: resignation may be an option if the conflict of interest cannot be resolved in any way or the necessary management strategy required may be so onerous that the member cannot properly participate.

Recruit a “Referee”: you may also wish to identify a person/agency that you go to help identify and manage conflict of interest. This is particularly important if there is disagreement amongst the members as to the seriousness of the conflict and/or the nature of the management strategy required. The referee could also be asked to make the judgment and/or recommend management strategies

For regional planning, the appropriate restrictions may include either restricting the **member from input on a topic, decisions on a topic or both**. Some management strategies may include:

- identifying the geographic area the member has an interest in and restrict the members involvement in discussions or decisions about that area;
e.g. an commission member who is an outfitter is not to be involved in discussion or decisions relating to land uses in his or her outfitting area;
- identifying the associated land use and restrict involvement of the member in decision;
e.g. an outfitter would not be asked to review or comment on the resource assessment report relating to outfitting;
- identifying the community of people involved in and restricts the communication between the conflicted member and the community.
e.g. an outfitter is not to engage in communication with the Yukon Outfitting Association regarding the business of the commission or represent the Commission at meeting where outfitting issues are being discussed.

D. Evaluating Conflict of Interest

Each Commission Member is to complete Column 3 on the attached form and the Commission members are to complete Column 4, 5 and 6, without the member in the room.

E. Decision Options for the Commission Regarding Member Conflict of Interest

- Option 1** determine that the Commission member is not in conflict;
- Option 2** determine that the Commission member is in conflict and implement an agreed upon management strategy
- Option 3** determine that the Commission member is too large a conflict to continue on as a Commission member and recommend to the Minister that he/she be replaced;
- Option 4** Seek outside advise before making a decision.