

Memorandum

Office of the Premier

Deputy Minister's Office



The Best Place on Earth

Date: April 27, 2007
To: Premier Gordon Campbell
Re: Ken Dobell

In the Legislature this week the Opposition alleged that Ken Dobell's work with the Province and the City of Vancouver constituted a conflict of interest. Specifically, the Opposition alleged that in his role as Deputy Minister to the Premier, Mr. Dobell helped arrange funding for the cultural precinct project, a project for which he subsequently contracted with the City of Vancouver to provide services.

You have asked me to provide a written explanation of these issues in relation to the existing contract between the Province and Ken Dobell, and how this contract has been managed to comply with any standards of conduct and post-employment restrictions that may exist to avoid conflict of interest by public servants.

1. Post-employment restrictions exist for senior managers in the public service, including Deputy Ministers. This policy was introduced early in Mr. Dobell's term as Deputy Minister to the Premier in order to protect the integrity of confidential information a person may have been privy to during his/her tenure as a public servant. They stipulate that a person must not accept an offer of employment or contract to provide services to an outside entity for a year after the end of employment. Restrictions under this policy may be waived in individual circumstances if subsequent work within this timeframe can be managed without conflict and is in the public interest.

Mr. Dobell's contract with the Province does not contravene the post-employment restrictions applicable to former Deputy Ministers because the Province may contract with former employees. In effect, by entering into a contract with Mr. Dobell on June 2, 2005, I augmented the conditions under which any potential conflict arising from work with other parties would be avoided.

2. With respect to protecting the Province's interests, it should be noted that Mr. Dobell's June 2, 2005 contract with the Province as well as subsequent correspondence between myself and Mr. Dobell on August 4, 2005 and between Mr. Dobell and yourself on August 8, 2005 provide clear direction regarding conflict of interest. In essence these documents direct Mr. Dobell not to

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undertake work that may place him in a conflict of interest and to consult with me, as Deputy Minister to the Premier, before accepting work with another entity.

Mr. Dobell contracted to work directly with the City on two separate issues: the Cultural Precinct and Social Housing. He disclosed this to me and undertook the work with my consent – in the case of the Cultural Precinct, given the alignment of interests between the Province and City on this important joint project; and in the case of Social Housing, given his disclosure enabled me to be aware that his views on this file emanated from his work advising the City, and could be respected as such.

Mr. Dobell recognized the potential for a perceived conflict of interest in carrying out his work and fulfilled his obligation to advise me of this. We agreed to a procedure whereby any real conflict could be avoided while conducting his work. Mr. Dobell, Judy Rogers and myself documented the agreed procedure on October 3, 2006.

I remain satisfied that Mr. Dobell fulfilled his obligations with respect to managing potential conflict of interest, and that the discussion he and I had and the procedure we agreed to effectively safeguarded the Province's interest.

3. With respect to the matter of government funding for the project and Mr. Dobell's role in securing that funding, you will recall that the final decision to fund the project was made after Mr. Dobell left government by the then Minister of Tourism, approved by Treasury Board, and announced in April 2006. Further, it is important to note that funding decisions are made by elected officials and not by public servants or contractors. The subsequent decision by the City of Vancouver to contract with Mr. Dobell was made independent of the provincial government, but with full disclosure.
4. Does this matter bring the BC Public Service into disrepute? No. I am not aware of any evidence that Mr. Dobell's conduct as Deputy Minister to the Premier was in any way contrary to the Standards of Conduct required of public officials. As a former Deputy Minister to the Premier, it is unlikely that there will be any matter of provincial interest in which Mr. Dobell has not had some interaction. Mr. Dobell's work for the Province under his current contract has been of great assistance to the Province and in his capacity as a contractor, Mr. Dobell has always conducted himself with the utmost integrity.

I trust this has clearly articulated my views of this matter. In completing this memorandum to you, I have requested and incorporated the views of both the Deputy Minister of the Public Service Agency, and the Deputy Attorney General.

Sincerely,



Jessica McDonald
Deputy Minister to the Premier
and Cabinet Secretary