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CITY OF VANCOUVER

OTHER REPORT

Report Date: June 2, 2006
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Meeting Date: June 13, 2006

TO: Vancouver City Council
FROM: Roles, Relationships and Responsibilities Review Committee
SUBJECT: Report of the Roles, Relationships and Responsibilities Review Committee

CONSIDERATION

THAT Council consider the report of the Roles, Relationships and Responsibilities Review Committee dated June 2, 2006.

CITY MANAGER'S COMMENTS

The foregoing is submitted for Council's CONSIDERATION.

COUNCIL POLICY

The Vancouver Charter is the governance framework for the City of Vancouver. In addition, Council policy is reflected in the numerous policies pertaining to the conduct of Council and staff and the by-laws and resolutions that reference the existing advisory bodies.

PURPOSE

To purpose of this Council report is to present the findings and recommendations of the Roles, Relationships and Responsibilities Review Committee to Council for consideration.

BACKGROUND

City Council established the Roles, Relationships and Responsibilities Review in January 2006 to examine certain aspects of City governance. The terms of reference for the Review Committee are contained in Appendix D of the attached report. Council appointed five community members and two City staff to deliberate and recommend opportunities to improve civic governance at the City of Vancouver.

DISCUSSION

The Review Committee is submitting the attached report for Council's consideration. The report outlines opportunities to promote good government and responsible public administration at the City of Vancouver. It includes:

- Principles that promote good government;
- Clarified roles, relationships and responsibilities for Council, staff, and citizens;
- A proposed code of conduct; and
- Assessment criteria and a process to review advisory bodies.

The Review Committee is proposing practical solutions to the issues it was tasked to address. It is hoped that the recommendations will result in improved civic governance.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The Roles, Relationships and Responsibilities Review Committee is presenting its findings and recommendation to Council for consideration.

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**Report of the
Roles, Relationships and
Responsibilities Review
Committee**

June 2006

**City of
Vancouver**

Letter from the Chair

June 2, 2006

Mayor and Council
453 W. 12th Avenue, 3rd Floor
Vancouver, B.C.
V5Y 1V4

Dear Mayor and Council:

On behalf of the Roles, Relationships and Responsibilities Review Committee, I am pleased to submit the attached report for Council's consideration. This report is a summary of the opportunities we have identified to promote good government and responsible public administration at the City of Vancouver. These include:

- Establishing principles that promote good government;
- Clarifying the roles, relationships and responsibilities of Council officials, staff, and citizens;
- Developing and proposing a code of conduct; and
- Developing assessment criteria and a process to review advisory bodies.

The Review Committee met on ten occasions to deliberate practical solutions to the issues it was asked to address. While this has been a concentrated, intensive effort, we believe the result proposes a direction that will improve civic governance. It is also respectful of the numerous citizens who commit many hours of their volunteer time to help make the city a better place. We look forward to presenting our findings and recommendations to Council on June 13, 2006.

The Review Committee consisted of five community members: Darlene Marzari, Former Vancouver Councillor (1972-1980) and Minister of Municipal Affairs, Province of B.C. (1993-1996); Allan Tupper, PhD, Professor of Political Science and Associate Vice President (Government Relations), UBC; Vince Verlaan, MA, Principal, Wellspring Facilitation and Planning, Inc.; Milton Wong, Chairman, HSBC Investments (Canada) Limited; myself and two City staff: Judy Rogers, City Manager; and Syd Baxter, City Clerk. I would like to extend my sincere appreciation to each of the members for their extreme dedication and hard work. I would also like to thank Janice MacKenzie and Lindsey Richardson of the City Clerk's Office for the superb support they provided to the Review Committee. We benefited tremendously from this support.

Vancouver is a wonderful City in which to live and work. On behalf of the Review Committee, thank you for the opportunity to contribute our volunteer time to helping City Council consider these vital issues of governance and community input.

Sincerely,

May Brown, Former Councillor, City of Vancouver
Chair, Roles, Relationships and Responsibilities Review Committee

Report of the Roles, Relationships and Responsibilities Review Committee

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Executive Summary

Responsive, accountable, responsible and accessible government is the demand of all Canadians. National, provincial and municipal examples across the country confirm that demand. The citizens of Vancouver want no less.

The City of Vancouver is a well governed and managed municipal organization, evidenced by the general satisfaction of its citizens with the services, policies and administration it delivers. However, modern governments need to explicitly put in place policies and practices that express their commitment and requirement for good governance.

After the election of the new City Council and Mayor in November 2005 there was an interest in examining particular aspects of the governance of the City, including how Council receives community input through its advisory bodies. City Council established the Roles, Relationships and Responsibilities Review Committee in January of 2006, composed of volunteers and key members of the City's administration nominated from across the political spectrum of Council.

The Review Committee spent many hours deliberating key aspects of City governance. It identified significant opportunities to adapt the City's policies, practices and processes in ways that promote good government and responsible public administration. These focused on four major areas:

- Governance principles that promote good government and guide decision making, conduct and administrative practices;
- Clarifying, where feasible, the roles, relationships and responsibilities of Council officials, staff, and citizens;
- A code of conduct for Council, staff and advisory body members; and
- Assessment criteria and a process for the regular review of advisory bodies.

The Committee proposes four governance principles: integrity, accountability, responsiveness and effectiveness. These principles reflect and balance the expectations of citizens and the operational realities of the City.

It also offers its general assessment of the roles, relationships and responsibilities of Council, staff and the public. Clarifying these fundamental elements of City government emphasizes the need for clear distinctions between the decision making and administrative functions of Council members, staff and the public.

The Committee took the need for these distinctions and other considerations, such as conflicts of interest, appropriate behaviour and political activities of staff, and developed a code of conduct. The proposed Code of Conduct will reflect the City's commitment to effective and ethical government and provides guidance and inspiration to Council officials, staff and advisory body members in their work. The Code also includes provisions to handle complaints and processes for imposing sanctions on those in breach of the Code.

The Code of Conduct is not just a set of rules. It is an expression of the highest values that the City of Vancouver holds for the way in which public business is to be conducted.

Finally, the Review Committee considered advisory bodies. Advisory bodies in various forms, and in increasing number, have been appointed by City Councils for decades. The Committee concluded that civic governance is changing and the advisory body system must keep pace. Over and above advisory bodies, the City's commitment to public involvement is strong and the City is known for its extensive public involvement practices that are woven through the organization and many of its programs. Some of Vancouver's advisory bodies are currently weakened by their lack of integration with broader civic goals and Council priorities, unclear relationships with Council and staff, and a lack of clear, appropriate and manageable mandates.

The Committee proposes criteria that are important considerations when Council makes decisions about creating or continuing any advisory body. A proposed process will have each new Council assesses its needs and priorities and reconfigure advisory bodies accordingly. This will ensure Council's commitment to every established body. In addition, the Committee recommends changes to the policies and procedures for advisory bodies that enhance the effectiveness of their input.

The Review Committee did not consider other forms of public involvement, which was a part of its original mandate, due to time limitations.

The Review Committee also identified governance issues not directly part of its mandate but which City Council should consider examining. Its work did not address the issue of lobbying, although a recommendation is included suggesting that Council should examine that issue. This is not recommended because of any evidence of problems in this area, but because this issue increasingly demands a policy and practical response.

The Roles, Relationships and Responsibilities Review Committee members have been honoured to consider these issues and make recommendations to City Council. The members believe that the recommendations in the report will advance and improve good government in the City of Vancouver and respectfully submit them to City Council for its consideration.

Recommendations:

1. That Council adopt the governance principles of integrity, accountability, responsiveness and effectiveness as the guiding principles for the structures, processes and practices involved in decision making, public administration, and public involvement at the City of Vancouver.
2. That Council adopt in principle the proposed Code of Conduct and refer it to the City Manager to make any necessary changes to ensure compliance with the *Vancouver Charter* and other existing laws and collective agreements.
3. That Council agree that the Mayor consider alleged breaches to the Code of Conduct by Council and advisory body members and recommend appropriate disciplinary action to Council.
4. That Council request that the government of B.C. establish an accessible mechanism for use by the City and citizens to enforce the sections in the *Vancouver Charter* that pertain to conflict of interest.

5. That Council refer the proposed Code of Conduct to City affiliated boards and strongly encourage them to adopt it as policy and inform Council within a period of six months.
6. That Council adopt the proposed assessment criteria for the evaluation of advisory bodies.
7. That each new Council establish advisory bodies by March 31st of the year following a civic election, taking into consideration its priorities, established criteria for assessing advisory bodies and available City resources.
8. That Council continue the operations of advisory bodies that are integral to City processes on an interim basis during the period between a civic election and the establishment of advisory bodies by each new Council.
9. That Council adopt a procedure whereby mandate letters are issued to advisory bodies at the beginning of their terms and acknowledgement letters are issued to mark the end of their term.
10. That Council continue the current process for the appointment of advisory body membership.
11. That the term of advisory body members' appointments be aligned with the terms of advisory body mandates.
12. That Council undertake a careful analysis of each advisory body according to the proposed assessment criteria and make any desired changes to the City's advisory body system by fall of 2006.
13. That Council request the City Manager to propose a process for a review relating to lobbying activities at the City, that this review consider corporate policy related to lobbying and a code of conduct for Lobbyists and that this review be conducted by the end of 2006.

I. Introduction

Council's commitment to improve governance at the City resulted in the establishment of the Roles, Relationships and Responsibilities Review (the "Review") in January 2006. The terms of reference for the Review Committee are in Appendix D. The Review brought together experienced, independent volunteers from the community to think about how to improve civic governance at the City of Vancouver.

The Committee's terms are wide-ranging and include the obligation to advise City Council about how to promote ethical conduct and how to facilitate effective working relationships between Mayor, Council, City staff and citizens at large. The Committee was also asked to explore the role of advisory bodies and how to make certain forms of public involvement more effective.

The Review focused its efforts on identified governance issues for the City. Members reviewed and discussed hundreds of pages of documents, policies and drafts, synthesized staff research in the area of good government and responsible public administration, received input from key members of staff and reviewed work already completed by the City. The Review Committee met on ten occasions over the course of the Review. The Committee's terms dictate that its work should not duplicate work already completed, such as the extensive public consultation done for the Public Involvement Review and the advisory body consultation undertaken by the Advisory Body Task Force.

This report does not examine the influence, roles and activities of corporations, interest groups, lobbyists, political parties or "not for profit" groups. These groups are extremely active in civic affairs and have a significant impact on local governance. Should Council wish to further explore their role, a much broader study would be needed of these crucial aspects of Vancouver's governance context.

What follows represents the Review committee's findings and recommendations to strengthen governance at the City of Vancouver.

II. The Changing Nature of Governance

Generally, governance refers to the principles, structures, processes and practices of democratic life. Governance at the City impacts the lives of Vancouver's citizens in real and tangible ways: it influences the way services are delivered, how input is used and guides the general operations of the government that works to make Vancouver a vibrant city.

Governance is changing rapidly in modern democracies. The public has always expected government to govern ethically, deliver services effectively and to manage public money carefully. Increasingly, the public is demanding higher performance in these areas, insisting that governments be more accountable, more transparent and more efficient and effective. The public also demands increased opportunities for participation and engagement in civic affairs. In the information age, the flow of information has changed radically. As a result, there is much more opportunity for public input and feedback, greater ability to disseminate information and more scrutiny of government affairs.

In Vancouver, municipal government and the municipal political agenda have become more complex. Sustainability and livability are major issues that have changed the way that local government operates. The federal government has undertaken new relationships with civic governments. Further, Vancouver itself is a much more complex city. Shifts in the demographic makeup of the city, the emphasis on considerations of diversity and the rapid growth in certain neighbourhoods all impact and will continue to impact the City's operations and decision making processes in significant ways. Globalization exposes Vancouver to many forces, opportunities and problems: it opens up economic and political opportunity, makes residents vulnerable to economic shocks, and opens up concerns such as infectious diseases from abroad.

In the face of this complexity, are Vancouver's governance structures sufficiently modern, responsive and developed?

III. Principles of Good Governance

As a first step, the Review Committee explored principles that should guide decision making, conduct and administrative practices and inform democratic governance in Vancouver. The Review Committee concluded that governance in Vancouver should centre around four principles:

Integrity

The principle of integrity emphasizes that public officials are keepers of the public trust and must uphold high ethical standards. Specifically, integrity means:

- Decision making benefits the community;
- Public and elected officials demonstrate and promote responsible and appropriate behaviour;
- Public and elected officials are free from undue influence because of financial or other commitments or loyalties; and
- No public or elected official abuses their authority or discretionary powers.

Accountability

Accountability is the obligation of elected and public officials to answer for their actions. This principle, while complex in application, is foundational to democratic government. Accountability means that the City supports information sharing, open communication and appropriate design of administration processes. It includes mechanisms to ensure that:

- Decision making and policy development processes are transparent and subject to public scrutiny;
- There are available and appropriate means for recourse and feedback; and
- There is ongoing assessment of policy and administrative performance.

Responsiveness

Responsiveness, at its heart, means that the City of Vancouver governs for all citizens. It also means that citizens, interest groups and organizations must have a chance to be heard and participate in civic affairs between elections. The City must have the ability to adapt as conditions change and events unfold. Specifically, responsiveness means that:

- Council and staff listen to and engage with the citizens they serve;
- Council and staff consider the diversity of Vancouver and reflect this diversity in decision-making;
- Council and staff actively consider improvements to the way City business is conducted;
- Council and staff actively create channels for the public participation of Vancouver's diverse communities and neighbourhoods; and
- The City communicates appropriate information openly to the public about decision making processes, issues being considered and on how they can participate.

Effectiveness

Effective governance demands that decisions be made, implemented and enforced. The administration of the City should be designed to promote the most effective decision making and administrative practices available. This includes short, medium and long term planning and careful management of resources. For the City, effectiveness implies that:

- Decision making promotes social, environmental, and financial sustainability;
- Defined purpose, objectives and priorities guide the work of Council and the administration;
- Differences between political and administrative roles should be understood by participants;
- Decision making rests on a clear understanding of the roles, responsibilities and authority of Mayor, Council, advisory bodies and City staff; and
- Processes and structures are appropriate to the function and authorities of a given body.

In recommending these principles as foundations for good government in Vancouver, the Committee stresses several points. First, the principles frequently conflict in practice. Such conflict of principles is an inescapable characteristic of democratic life. For example, government should seek input. But consultation and policy discussion can be lengthy and costly. Decisions often have to be made promptly. Responsiveness and effectiveness can thus conflict. Conflicts between principles can be both complex and controversial.

Second, citizens value different principles differently. Some citizens want democratic governance in Vancouver to maximize financial accountability and policy effectiveness. Others may see democratic responsiveness as the paramount consideration.

Third, democratic governance in Vancouver involves conflict and the resolution of conflict. Citizens have different expectations and interests. Equally, however, democratic governance requires careful consideration of opposing viewpoints and a willingness to compromise.

Recommendation #1: That City Council adopt the governance principles of integrity, accountability, responsiveness and effectiveness as the guiding principles for the structures, processes and practices involved in decision making, public administration, and public involvement at the City of Vancouver.

IV. Governance at the City of Vancouver

The Committee spent considerable time and effort thinking about key actors at the City, notably the Mayor, Council, City staff and advisory bodies. The roles, relationships and responsibilities of these key players – aspects of governance that are of fundamental importance to the City - require refinement in response to changes in the governance context.

Clarifying the roles of the key players at the City fosters a better understanding of the purpose and function of the work of individuals. Exploring the relationships between these individuals ensures that they are aware of how their work fits into the larger governance structure of the City. And, outlining the general responsibilities of those involved in City business underscores the obligations of individuals and the appropriate limits of their authorities.

Notably, the overarching framework for governance at the City is the *Vancouver Charter*, a provincial statute that empowers and regulates the City of Vancouver and how it governs, provides services and holds elections. The *Vancouver Charter* provides flexibility for Vancouver's unique and dynamic urban environment, and has a profound and positive effect on the City's ability to be innovative and responsive. In addition, the City has a mission and values that provide the foundation for City work and inform City practices.

Roles

The Mayor

The *Vancouver Charter* designates the Mayor as the Chief Executive Officer of the City and outlines the Mayor's formal responsibilities. Although not outlined by the *Vancouver Charter*, the Mayor is also a prominent political leader and ambassador of Vancouver locally, nationally and internationally. The Mayor presides over Council meetings and in doing so seeks due diligence, full debate and effective decision making. The Mayor liaises on a regular basis with the City Manager, but is not an administrator.

City Council

Ten City Councillors comprise the remainder of Council. Council acts as a body. While the Mayor and Councillors have many roles, such as participation in debate, voting in matters before Council and responding to the concerns of individuals, no individual member of Council has the ability to exercise Council authority or make decisions on Council's behalf.

Council holds the administration accountable for its actions. Moreover, Council provides leadership to the administration by developing a vision, establishing priorities, making decisions, and providing fiduciary leadership for the City's assets. Its decisions provide policy and program guidance to staff and direction to the organization. Council uses the professional advice of staff to inform the decisions it makes on behalf of the community. Council also establishes, appoints membership, reviews and disbands advisory bodies to Council, which have a range of functions, structures and relationships with Council and staff.

Members of Council are leaders in the community and act as representatives both of Council and the community at large. Council also arbitrates between different viewpoints in the community; they resolve conflicts by considering and balancing expert analysis, community needs and short and long term public interest.

Public Service

The City benefits from the considerable administrative and technical expertise of a core of public service professionals. City staff perform essential roles. They provide professional, unbiased, non-partisan advice to Council. Equally important, City staff implement Council decisions fairly and effectively.

City staff report on municipal operations, prepare the budget, flag emerging issues and align City resources to support Council's decisions. Additionally, staff provide services to the public. They enforce the rules established by Council. And, they plan and maintain essential infrastructure to help Vancouver thrive. Strong relationships across and between departments and civic agencies ensure that the public service works collaboratively towards the objectives of the City.

Citizens

For the purposes of the Review, a citizen of Vancouver is defined broadly as a resident, voter, taxpayer or service recipient. A citizen may sit on one of the City's advisory boards or provide input during public consultations and the decision making processes of public hearings, the budget, developments, programs, policies and services.

Indeed, there is a broad spectrum of direct and indirect ways that citizens may be involved and contribute to civic issues. Citizens play a crucial role in shaping the direction and decisions of City government, from following local news and watching Council meetings to sitting on boards, engaging in local activism, supporting the community with volunteer work or speaking to Council as a delegate. Citizens who participate in civic governance are a two-way window; they provide information to the City about their needs and perspectives, and they take information from the City back into the community.

In addition, citizens may be members of or form associations, organizations or coalitions around a variety of community interests and issues. These groups develop expertise, facilitate cooperation, encourage dialogue and promote civic involvement in the vibrant social, environmental and economic life of Vancouver.

Relationships

Council Members

City Council is, by definition, a public body. It spends considerable time debating issues. Council proceedings are televised and webcast live. As such, citizens may have first hand knowledge of public issues and an opportunity to judge the conduct and competence of Council as a whole and of individual Councillors. Councillors therefore have a responsibility to uphold high standards of conduct. Their conduct

should both demonstrate and encourage respect for the civic institution of local government.

The relationships between individual Councillors are fluid, complex and dynamic. Vancouver civic politics operate through organized political parties, and partisanship organizes political debate in the City and is an important reality. Regardless of political realities, however, professional conduct, respect for different perspectives and reasonable decision making best serve the public interest.

Council and Staff

Council and staff share a crucial relationship whose quality goes to the heart of democratic governance. The directives of political democracy, as articulated by Council, must co-exist with effective, non-partisan administration, the domain of staff. There must be a clear understanding about the essence of the relationship. Ideally, Council sets policy and provides direction that is then impartially implemented by staff.

However, the distinction between policy and administration is a complex one. For example, City staff must be involved in policy debates in order to provide their expertise, knowledge and experience with any given issue. Council must understand this essential staff role. Equally, staff must respect the ultimate authority of Council on policy matters.

Council and the Public

Council is elected by the public; it obtains its governing authority from and is accountable to electors every three years in general elections. In return, the citizenry depends on Council to make decisions that preserve the interests of the community. Individual members of Council are an important point of access for citizens who are unsure of how to seek resolution to issues related to municipal government work.

The public is a crucial source of information for Council and it is important that Council creates opportunity for and actively seeks input from individuals, groups, neighbourhoods and communities. The citizenry is the primary connection between Council and the interests of Vancouver's communities. Their input allows Council to keep abreast of emerging and important issues.

A range of factors influence Council's relationship with the public. Individuals and organizations seek to influence Council's decisions and while these groups raise awareness around particular issues, it is important that Council define the public interest broadly and weigh the interests of the community as a whole.

Staff and the Public

The public service shares broad and varied relationships with a variety of stakeholders, community organizations, local businesses and developers. As service providers, staff must carry out their duties with due regard for the rights, safety and security of the citizens of Vancouver. Staff facilitate a broad range of public participation and involvement, and the City regularly communicates information to citizens about City services, consultations, major events and awards and provides information on Council proceedings and City business.

Responsibilities

Council

Council is responsible for the efficient and effective operation of the City. Council monitors progress on the City's goals and priorities and makes budgetary decisions that affect City operations. And, in order to contribute to the proper functioning of government, it is crucial that Council understand and respect the limitations on their authority.

Council's responsibilities range from those outlined in the *Vancouver Charter* to day-to-day work with citizens and in the community. Council must uphold the dignity of office by its own ethical, respectful and appropriate behaviour.

Public Service

The public service is responsible for the appropriate and effective operation of the City and the implementation of the decisions and policies of Council. It has the technical expertise, "institutional memory" and implementation knowledge essential to good policy. Staff are also responsible to work collaboratively and conduct business in a way that represents the interests of the City as a whole, and not just their individual department or working group.

The public service must, as a rule, strive to uphold the ethic of partisan neutrality in policy development, follow due process and procedure, and perform due diligence. The public service is also responsible for a broad spectrum of public involvement and engagement, and should seek adequate and substantial input, advice and expertise from the community.

Citizens

Citizens also have a number of responsibilities and opportunities for participation in civic government. These include voting, paying taxes, complying with City by-laws and regulations, participating in consultation processes, attending City-sponsored events and any number of the opportunities for public involvement in civic affairs.

Citizens who serve on the City's advisory bodies have additional responsibilities: they are responsible for fulfilling their appointed duties on the City's various advisory bodies, representing themselves accurately and appropriately as advisory body members both internally and externally, not misusing their position or City resources and adhering to City policy relevant to their work.

V. Governance in Context

Individual Conduct

The *Vancouver Charter* has created an adaptive and dynamic operating environment for the City. However, the *Vancouver Charter* does not address major matters of relevance to civic governance. A noteworthy omission is a commitment to a clear and effective code of conduct that outlines ethical behaviour, articulates policy and provides for enforcement.

The City should adopt a code of conduct (a "Code") that inspires good behaviour, educates citizens and public office holders and reflects the complexities of governance in Vancouver. The expectation and demand for government to be more accountable, responsive and effective and to uphold high standards of conduct make a proactive, articulated commitment to ethical behaviour, such as a Code, an important piece of public policy.

The Code of Conduct should apply to Mayor and Councillors, political staff, employees and contract employees of the City, members of civic advisory body members and the staff contracted to support them. Our recommended Code is attached as Appendix A. It is a way for Vancouver to demonstrate leadership around the issue of conduct in local government.

Recommendation #2: That Council adopt in principle the proposed Code of Conduct and refer it to the City Manager to make any necessary changes to ensure compliance with the *Vancouver Charter* and other existing laws and collective agreements.

The Code's purpose is to advance the development of highly effective and highly ethical local government practices and procedures. It is a part of building a strong and progressive institution.

The proposed Code includes provisions to handle complaints and processes for imposing sanctions on those who are found in breach of the Code. For employees, these processes are a part of existing disciplinary procedures. However, for Council there are few existing processes or mechanisms to handling alleged breaches of the Code. The Mayor, as the Chair of Council and CEO of the City, is best positioned to adjudicate alleged breaches of the Code by Councillors and advisory body members and to recommend any disciplinary action to Council. Any alleged breach should be submitted to the Mayor's office in writing.

Recommendation #3: That Council agree that the Mayor consider alleged breaches to the Code of Conduct by Council and advisory body members and recommend appropriate disciplinary action to Council.

One area where additional changes to processes that handle unethical behaviour are needed is in the area of conflict of interest. Action related to a potential breach of the conflict of interest provisions set out in the *Vancouver Charter* may only commence through the courts. This does not advance good governance and leads to ineffective and rarely enforced conflict of interest provisions. A simpler, more effective mechanism is necessary.

Recommendation #4: That Council request that the government of B.C. establish an accessible mechanism for use by the City and citizens alike to enforce the sections in the *Vancouver Charter* that pertain to conflict of interest.

While the provisions outlined in the Code will initially reinforce the importance of setting and enforcing high standards of conduct, it will be an ongoing challenge to ensure that the Code is adhered to and supported at the City over the long term. Council may consider having Council officials, staff and advisory body members sign the Code regularly.

Other Boards

Council has budgetary oversight and maintains close working relationships with the Parks Board, the Vancouver Public Library and the Vancouver Police Department. They, too, may greatly benefit from the consideration and adoption of a similar code of conduct.

Each board may need to adapt the proposed Code to make it consistent and relevant with the function of that board. They may also need to include provisions to cover areas not included in the existing Code. Nonetheless, adopting a broad code of conduct is a strong statement that formally and publicly reinforces the principles of conduct and high standards of behaviour expected of the affiliated boards and their staff.

Recommendation #5: That Council refer the proposed Code of Conduct to City affiliated boards and strongly encourage them to adopt it as policy and inform Council within a period of six months.

VI. Advisory Bodies

The City of Vancouver actively encourages citizen involvement. The City's advisory bodies, legislative processes, consultation practices and partnerships aim to engage a broad range of citizens in City governance. Vancouver's citizens make significant and meaningful contributions to City governance, operations and decision making. Effective citizen involvement is essential to the democratic life of the community and the operations of the City.

Despite the strength of the City's approach to public involvement, the Roles, Relationships and Responsibilities Review hopes that its recommendation will strengthen the contributions made by citizens. The Review has focused primarily on advisory bodies. A list of the City's advisory bodies that are subject to the discretion of Council can be found in Appendix C.

The City's current roster of advisory bodies has grown incrementally over the years. At the time of writing, Vancouver's advisory bodies are diverse in organization, importance and effectiveness. Broadly speaking, advisory bodies fall into five major groups:

- *Bodies required by legislation*, e.g. the Family Court and Youth Justice Committee;
- *Bodies fully integrated into City processes*, which means that the City's processes depend on regular and specific input from an advisory body, e.g. the Development Permit Board;
- *Bodies whose mandate is directed at a specific issue or a particular area of Vancouver*, e.g. the Peace and Justice Committee or the Gastown Historic Area Planning Committee;
- *Bodies that deal with particular groups of citizens*, such as the Advisory Committee on Diversity Issues; or
- *Bodies with administrative functions*, such as the Vancouver Athletic Commission.

In addition, advisory bodies vary in the duration of their operations: committees', boards', and commissions' operations tend to be ongoing, while task forces are more focused, task oriented, time-limited groups.

This diversity of roles reflects the incremental development of advisory bodies. The current structure has arisen piecemeal in response to particular issues, problems and needs. Committees have different mandates, memberships and terms of reference. They relate to Council, to staff and to citizens in several different ways.

The Committee looked carefully at the status quo of advisory bodies in Vancouver. It compared Vancouver with other major Canadian cities. The Committee also discussed the role and influence of particular committees with senior City staff who deal extensively with them. The following table outlines the Review Committee's observations of the relative strengths and weaknesses of advisory bodies.

Strengths	Challenges
<ul style="list-style-type: none"> · Advisory bodies provide a two way conduit or gateway between a broader community or community of interest and the City · Advisory body work raises important community issues to Council and staff · Advisory Bodies create opportunities for dialogue between advisory body members, Councillors and staff liaisons · Advisory Body Members can have specific knowledge and expertise that helps staff to better understand issues, history and community interests and to more effectively do their work · Members provide early feedback on project specific questions from staff · Advisory Body work can supplement work on Council's priorities · Advisory bodies signal Council's particular priorities or concerns related to certain issues or communities 	<ul style="list-style-type: none"> · Unclear, unspecific or misunderstood mandates, purposes and authorities · Confusion of the role of advisory body members, staff liaisons, Councillors · Work of advisory bodies is often not used by Council or staff · Structure and membership of advisory bodies sometimes does not correspond to their mandate · No standards of conduct for advisory body members or advisory body staff · Policy/program recommendations that are submitted to Council for approval without due diligence can disrupt long range planning and budgeting · Insufficient or ineffective use of resources given to advisory bodies · Reporting relationships are often unclear or not relevant to advisory body work · No evaluation or review of advisory body work, work plans or effectiveness · Advisory Bodies can be inappropriately used or influenced · Meeting frequency does not always correspond to the workload of an advisory body

The City of Vancouver's current advisory body system needs a number of important changes that should be undertaken as soon as possible. Civic governance is changing and the advisory committee system must keep pace. Over and above advisory bodies, the City's commitment to public involvement is strong and the City is known for its extensive public involvement practices that are woven through the organization and many of its programs.

Some of Vancouver's advisory bodies are currently weakened by their lack of integration with broader civic goals and Council priorities, unclear relationships with Council and staff, and a lack of clear, appropriate and manageable mandates. Changes are needed to ensure that advisory bodies provide the input, feedback and recommendations that best assist Council, staff and the community.

Criteria for Evaluating Advisory Bodies

The City needs a clear set of criteria for evaluating advisory bodies that will allow Council to make informed decisions about whether to continue, change, or discharge advisory bodies. The Review Committee has developed and recommends several criteria that will facilitate the evaluation of existing civic advisory bodies and the assessment of new propositions for advisory bodies.

1. Relevance to Municipal Work

The activities of advisory bodies must be relevant to the City's areas of responsibility, work and authority. In some cases, the establishment of an advisory body may reflect a conscious decision of Council to emphasize a particular issue or area of work in which the City does not have jurisdictional responsibility but in which the City and the advisory body has an important role to play. City Council should appoint advisory bodies to reflect its priorities and in areas where it wants the particular advice and input that advisory bodies are able to provide.

2. Clear Mandate and Purpose

To be effective, advisory bodies must have clear mandates. Their purpose, function, workload, responsibilities and authorities must be understood by Council, staff, advisory body members and citizens themselves. Without clarity, advisory bodies may lack direction or pursue work other than that which they were established to undertake.

Advisory body members, Council liaisons, staff liaisons and staff support all have different responsibilities related to their conduct and advisory body work that must also be clearly understood. For example, advisory bodies may not take on work that is outside their mandate and staff liaisons and support are not responsible to take direction from advisory bodies or perform the work related to their mandate.

In addition, advisory bodies should provide information, insights and advice that the City does not obtain through other channels and add value to the operations of the City. Advisory body work should meet a specific need of Council, staff, or the community and should improve or contribute to democracy at the City.

3. Appropriate Membership and Structure

Advisory body members must have members whose role, background and experiences are appropriate to the advisory body's mandate. The membership appointment process must be fair, clear, efficient, appropriate and effective. Wherever possible, advisory body membership should represent the diversity of the community.

Council has the discretion to make changes to the membership of a given advisory body at any point during its mandate. Given the importance of effective, committed and collaborative volunteers that will adhere to the proposed Code of Conduct, the Review Committee felt that it was important to emphasize that membership changes are possible at any point during the term of Council.

Having a Council member as a chair or co-chair of any advisory body may inappropriately politicize the work of the body. In the case of task forces, the Review Committee recommends having no Council representative. In dealing with advisory bodies, Council Liaisons should:

- Serve as an intermediary by communicating the advisory body's work to the rest of Council and reflecting the broader context of local government to the advisory body;
- Not chair or direct the meetings of the advisory body;
- Be expected to attend advisory body meetings, or relinquish the role;
- Ensure that the advisory body's work remains within the bounds of its mandate and authority; and
- Not have voting rights on the advisory body.

Council should establish an advisory body structure that is suited to the purpose of a given advisory body. Ongoing advisory committees serve a different function than project or issue focused task forces, which are again different from committees whose work is integrated into City processes.

4. Resources

Advisory bodies must have resources that allow them to undertake and effectively complete their mandates. Such resources will vary from case to case. For example, some advisory bodies may require access to particular information or expertise. Others may need considerable amounts of time with Council or senior staff if their work is to be done properly. Council needs to make strategic decisions about how it supports advisory bodies given limited City resources.

5. Reporting Relationships with Council and/or Staff

The work of advisory bodies must be received, carefully evaluated and, where appropriate, used by staff and Council. Otherwise, volunteer members will feel that their time and energy is wasted. Each advisory body needs to know where it stands in relation to Council and staff, and how its work relates to City priorities.

Reports to Council ensure that there is ongoing communication and exchange of information between them, and can and should be submitted as often as is necessary or desirable. It is also important that staff have an opportunity to provide advice on any proposals being put forward by an advisory body. This ensures that the broader planning and budgetary context of the City may be taken into consideration.

6. Accountability

Advisory bodies must be held accountable for their work. Under the direction of the advisory body's chair and possibly with the assistance of Councillors and/or staff, regular reviews will ensure that the work of advisory bodies remains relevant and effective. These reviews will provide information for new Councils as they consider their needs for a new term.

In addition, there must be appropriate avenues for recourse in the event that advisory bodies engage in unauthorized work, create legal or financial liability for the City or behave otherwise inappropriately. The proposed Code of Conduct addresses some of these issues, and Council retains the ability to take other action as necessary.

These criteria may be adapted into an assessment matrix that the Review Committee hopes will prove useful when Council decides whether to continue, alter, disband or create advisory bodies. Each advisory body or proposal for an advisory body may be assessed according to the criteria described above. An expanded version of the decision making tool, including a list of those advisory bodies currently under review, is included in Appendix B.

Advisory Body	Relevancy to City Work	Clear Mandate & Purpose	Membership & Structure	Resources	Reporting Relationships	Accountability	Outcome

Recommendation #6: That Council adopt the proposed assessment criteria for the evaluation of advisory bodies.

Further Policy Changes

In addition to the action outlined in Recommendation #6, Council should also consider changes to the way it makes decisions about advisory bodies as outlined below. These changes are designed to increase Council’s ability to adapt the advisory body system to best suit the particular needs of the Council, staff and the community.

1. Advisory Body Creation and Dissolution

Under the *Vancouver Charter* s. 159, Council may establish advisory bodies as it sees fit. Committees of Council stand discharged immediately before the first Monday after December 1 in the year of a general local election under the *Vancouver Charter* s. 160, with the exception of those committees established under municipal by-law, provincial or federal legislation. Advisory bodies established by by-law, while not discharged, are still subject to the discretion of Council, which may repeal or amend the by-law.

In practice, newly elected Councillors may want to gather information about advisory bodies in order that they can make more informed decisions about them. In light of this consideration, the Committee recommends that Council adopt a process to ensure that advisory bodies are reviewed by every new Council. It also recommends that advisory bodies who are integral to City processes continue their work until Council makes its decisions.

Recommendation #7: That each new Council establish advisory bodies by March 31st of the year following a civic election, taking into consideration its priorities, established criteria for assessing advisory bodies and available City resources.

Recommendation #8: That Council continue the operations of advisory bodies that are integral to City processes on an interim basis during the period between a civic election and the establishment of advisory bodies by each new Council.

2. Mandate Letters

Advisory bodies must have clear mandates, purposes and sufficient resources if they are to be effective. To this end, a way to reinforce mandate clarity is for Council to issue retained and newly constituted advisory bodies a “mandate letter” after each civic election. These renewable and reviewable mandate letters will:

- Clearly outline the advisory body’s purpose and function;
- Outline the advisory body’s authority and major responsibilities;
- Establish clear reporting relationships with Council and/or staff;
- Explain the role of staff and Council members in relation to the advisory body’s work;
- Specify the duration of the advisory body’s mandate; and
- Identify the resources available for the advisory body to fulfill its mandate.

In addition, Council may wish to issue acknowledgement letters to advisory bodies at the end of their mandate that would underscore the dissolution of the body prior to an election and reinforce the discretionary authority of each incoming Council to constitute advisory bodies as it sees fit.

Recommendation #9: That Council adopt a procedure whereby mandate letters are issued to advisory bodies at the beginning of their term, and acknowledgement letters are issued to mark the end of their term.

3. Appointment Processes

The City currently has a well developed procedure for the recruitment of advisory body members that includes advertising vacancies and staff reviewing and summarizing of applicant information for the Council Nomination Subcommittee made up of three Councillors. The Nominations Subcommittee then vets the applications and their recommendations are referred to Council for final approval.

Recommendation #10: That Council continue the current process for the appointment of advisory body membership.

4. Advisory Body Member Terms

Some advisory bodies have membership with two-year staggered terms. While this creates some continuity for the work of the advisory body, it also creates the expectation that an advisory body will continue from one term of Council to the next. Aligning the terms of an advisory body with the terms of its members will address this concern.

Recommendation #11: That the term of advisory body members' appointments be aligned with the terms of advisory body mandates.

Implementation Strategy

Council delayed making decisions about advisory bodies in order to wait for the findings of the Roles, Relationships and Responsibilities Review. Council reconstituted and reappointed the members of the previous Council's advisory bodies on an interim basis. As such, it is important that the current Council have a clear and expedient process to move forward on the decisions it may be making about possible changes to the advisory body structure.

A general process that Council may consider when deliberating any changes to the City's advisory bodies is as follows:

- Step 1: Adopt the recommendations of the Review Committee, including the criteria for assessment of advisory bodies, the establishment of a process that ensures advisory bodies are reviewed after each civic election and other recommended policy changes;
- Step 2: Decide what kind of input from advisory bodies is needed to support Council's priorities;
- Step 3: Assess each advisory body according to the recommended assessment criteria and make decisions about whether to continue, change or discharge each of these advisory bodies; and
- Step 4: Determine if there are any remaining gaps in the advisory body structure and create any new bodies that will be required to fill these gaps.

In order to avoid undue delay, the Review Committee recommends that this process be completed by the current Council in the fall of 2006.

Recommendation #12: That Council undertake a careful analysis of each advisory body according to the proposed assessment criteria and make any desired changes to the City's advisory body system by fall of 2006.

VII. Outstanding Issues

Lobbying

The issue of lobbying is closely connected to the issue of governance, and one that arose throughout the committee's deliberations. The Committee recommends that the City, undertake a careful review of the extent, forms and consequences of lobbying in Vancouver civic government and that such a review be completed by the end of 2006.

Recommendation #13: That Council instruct the City Manager to propose a process for a review relating to lobbying activities at the City, that the review explore the potential to develop corporate policy related to lobbying and a code of conduct for Lobbyists and that this review be conducted by the end of 2006.

VIII. Conclusion

The City of Vancouver has a reputation for progressive, innovative and effective approaches to government. The Roles, Relationships and Responsibilities Review hopes that its work will build upon previous work at the City to address the importance of governance, the respective roles, relationships and responsibilities of the key players at the City, individual conduct and advisory bodies.

The Review Committee's recommendations propose concrete steps towards making changes at the City that are intended to meet the ever-increasing expectations of citizens. These steps are a part of building a progressive institution. It is crucial that the City articulate its governance principles, set high standards of conduct and maintain a flexible and adaptive environment that considers a broad spectrum of ways to seek input from its citizens.

An explicit and ongoing effort to promote good government and responsible public administration is crucial to the City's continued ability to be adaptive. Vancouver is a city that is continually changing in exciting and challenging ways. As such, it is important to note that the Review Committee's work addressed only certain aspects of governance. The City should continue to work on governance issues, anticipate and meet the challenges of local government and be bold in ensuring that City structures, processes and policies align with priorities, community needs and existing resources.

Appendix A

Proposed Code of Conduct for Council, Staff and Advisory Body Members

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1. INTRODUCTION

Governance of the City of Vancouver influences the way services are delivered, how input is used and how the operations of the government work to make Vancouver a vibrant city. The City's statutory authority is the *Vancouver Charter* – a provincial statute that empowers and regulates the City and how it governs, provides services, and holds elections. The *Vancouver Charter* provides flexibility for Vancouver's unique and dynamic urban environment, gives the City the ability to be innovative and responsive, and has a profound effect on City government.

While the *Vancouver Charter* creates a flexible and dynamic operating environment, it is silent on certain matters of Council, staff and advisory body conduct. In furtherance of *Vancouver Charter* authorities and to demonstrate the City's commitment to good governance and responsible public administration, the City has adopted the following Code of Conduct for Mayor and Councillors, staff, and advisory body members. This Code recognizes and reflects the changing realities of governance, notably citizens' high expectations that the City to be more accountable, transparent, responsive, and effective in its operations.

This Code demonstrates to the citizens of Vancouver that the City will carry out its mission, statutory role, and responsibilities with efficiency and impartiality, and that integrity and ethics matter and will play prominently in the conduct of City business.

The Mayor, Councillors, staff and advisory body members must comply with the applicable provisions of this Code of Conduct. It is the personal responsibility of these individuals to comply with the standards in the Code and regularly review their personal circumstances with this in mind. Failure to comply with an applicable requirement of this Code of Conduct is a serious matter to be addressed as set out in the Code. All will be required to commit annually in writing to adhere to the provisions of the Code of Conduct.

The Code must be read in conjunction with relevant laws and existing Council policies. The Code is not a substitute for the *Vancouver Charter* and cannot override it.

2. DEFINITIONS

In the Code of conduct the following definitions apply:

- Council official: the Mayor and Council members
- Staff: an employee or contract employee of the City of Vancouver
- Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body and includes staff contracted to support any of these bodies

3. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum expectations for the behaviour of Council officials, staff and advisory body members in carrying out their functions. It has been developed to assist the Council officials, staff, and advisory body members to:

- Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- Fulfill their duty to act honestly and exercise reasonable care and diligence;
- Act in a way that enhances public confidence in local government; and
- Identify and resolve situations which may involve a conflict of interest or a potential misuse of position and authority.

4. KEY PRINCIPLES

Vancouver's Code of Conduct is based on the following key principles:

4.1 Integrity

Council officials, staff and advisory body members are keepers of the public trust and must uphold high ethical standards of behaviour. Council officials, staff, and advisory body members are expected to: make decisions that benefit the community; act lawfully and within the authorities of the *Vancouver Charter*; and be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

4.2 Accountability

Council officials, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place.

4.3 Responsibility

Council officials, staff and advisory body members must act responsibly, within the law and within the authorities of the *Vancouver Charter*. They are to observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.

4.4 Leadership

Council officials, staff and advisory body members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire public's trust and confidence in local government.

4.5 Respect

Council officials, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles and opinions of others in local government decision making.

4.6 Openness

Council officials, staff and advisory body members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

5. GENERAL CONDUCT

- 5.1 Council officials, staff and advisory body members must adhere to the key principles and provisions of the Code of Conduct.
- 5.2 Council officials, staff and advisory body members must act lawfully and within the authorities of the *Vancouver Charter*, and exercise a reasonable degree of care and diligence in carrying out their functions.
- 5.3 Council officials, staff and advisory body members have a duty of fidelity to the City and must therefore refrain from being publicly critical of the City or making public statements that are demeaning or disparaging to the individuals responsible for the administration of the City.
- 5.4 Council officials, staff and advisory body members have an obligation to consider issues consistently and fairly.
- 5.5 Council officials, staff and advisory body members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, staff and advisory body members must avoid conduct that:
 - Contravenes the law, the *Vancouver Charter*, City By-laws, associated regulations, City policy and the City's Code of Conduct;
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - Prejudices the provision of a service or services to the community.
- 5.6 When making decisions, Council officials, staff and advisory body members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
- 5.7 Council officials, staff and advisory body members are obliged to question any request to act or make a decision that they think may be unethical or unlawful.

- 5.8 Staff and advisory body members must carry out duties in a manner that allows City Council members and the public to remain informed about local government activity and practices.
- 5.9 Should there be uncertainty about the ethical issues around a conduct or decision, Council officials, staff, and advisory body members should consider the following:
- Is the conduct or decision lawful?
 - Is the conduct or decision consistent with City policy, Council's objectives and the Code of Conduct?
 - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests at the expense of the public?
 - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

6. HANDLING OF INFORMATION

- 6.1 Council officials, staff and advisory body members must:
- Protect information that is specifically marked confidential and other material understood to be confidential in nature;
 - Refrain from discussing/disclosing any confidential information with/to other staff, or with persons outside the organization except as authorized;
 - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
 - Not use confidential information with the intention to cause harm or detriment to Council or any other person or body;
 - Only access information needed for council business;
 - Only use confidential information for the purpose it is intended to be used;
 - Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*; and
 - Not disclose any information discussed during an *in camera* session of Council.
- 6.2 Except in the normal course of duties, Council officials, staff and advisory body members must not in any way change or alter City records or documents.
- 6.3 When dealing with personal information, Council officials, staff and advisory body members must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

7. CONFLICTS OF INTEREST

- 7.1 Council officials, staff and advisory body members are expected to make decisions that benefit the community. They must be free from undue influence and must not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 7.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- 7.3 Council officials, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Council Officials

- 7.4 Section 145.2 ff of the *Vancouver Charter* set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements apply to Council Officials and Park Board Commissioners. The common law interprets and applies the law in respect of conflict of interest.

Council Officials (and Park Board Commissioners) must fully inform themselves of the statutory requirements in respect of conflicts, and of the related common law, and must comply with all requirements. In the event of a conflict or perceived conflict, Council Officials (and Park Board Commissioners) must seek legal advice.

Staff and Advisory Body Members

- 7.5 Staff must fully disclose to their supervisor or the City Manager any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with immediately.
- 7.6 Advisory body members must fully disclose to the City Clerk any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.
- 7.7 When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the General Manager or City Manager for guidance.
- 7.8 Staff and advisory body members must not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.
- 7.9 Examples of conflicts that may be encountered by staff or advisory body members include but are not limited to:

- 7.9.1 *Obligation to others:* Staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the City, and who would benefit from special consideration or treatment.
- 7.9.2 *Special advantage/disadvantage:* When staff or advisory body members can gain special advantage because of their position or when the City is disadvantaged as a result of the interests of Council officials, staff or advisory body members.
- 7.9.3 *Provision of special consideration/ treatment:* In the performance of their duties, staff and advisory body members may only grant special consideration/treatment as specifically authorized by City Council or the General Manager.
- 7.9.4 *Representation to City Council, its Committees, Boards or Tribunals:* Staff and advisory body members must not represent any private interest(s) except on their own behalf;
- 7.9.5 *Litigation involving the City:* Staff and advisory body members must not be party to any litigation against or involving the City.
- 7.9.6 *Use of City-owned equipment:* Staff must not use or permit the use of City owned equipment, material, staff time or property for anything but City business.
- 7.9.7 *Discounts/Rebates:* Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 7.10 Council officials, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.
- 7.11 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or that might conflict or appear to conflict with their duties to the City must notify and seek the approval of their General Manager or the City Manager in writing. Staff must seek approval for and disclose engagement in private consultancies and all other business undertakings.
- 7.11.1 In dealing with such requests General Managers and the City Manager must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 7.11.2 Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
 - Interfere with City work;
 - Involve the use of confidential information or Council resources obtained through their work for the City;
 - Require work during City work hours;
 - Discredit or disadvantage the City or City Council; or
 - Result in their holding any property or interest which may be in conflict with the employee's duties to the City.

8. POLITICAL ACTIVITY

- 8.1 Staff and advisory body members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their public duties in a professional and impartial manner.
- 8.2 The *Vancouver Charter*, s. 39, allows staff of the City of Vancouver to seek nomination as candidates for City Council and for the Park Board, provided they meet certain requirements. It requires the employee to:
- Notify the employer in writing, of the employee's intention to consent to nomination, before being nominated.
 - After advising the employer in writing, the employee is entitled to and must take a leave of absence, as follows:
 - i) Commencing on the first day of the nomination period or the date of notification, whichever is later, and;
 - ii) Ending:
 - *if not nominated*: on the day after the end of the nomination period;
 - *if employee withdraws as a candidate*: on the day after the withdrawal;
 - *if elected*: on the day the employee resigns from the position;
 - *if not elected and no application for judicial recount has been made*: on the last day on which an application for a judicial recount may be made; and
 - *if not elected and an application for a judicial recount has been made*: on the date when the results of the judicial recount are determined.
 - If elected, resign from the position before swearing the oath of office.
- 8.3 Staff may seek nomination and hold office on the Vancouver School Board provided they do not violate the standards outlined in this Code of Conduct.
- 8.4 Any political involvement must be as a citizen, not as City staff, and such activities must not take place while at work.
- 8.5 Staff must not represent themselves as a City employee while campaigning for election, endorsing or advocating for a particular candidate or displaying slogans or symbols supporting a particular party or candidate.
- 8.6 Staff are permitted to participate in the following political activities:
- Active membership in a Vancouver civic party;
 - Candidate for other GVRD Council;
 - Candidate for other GVRD School Board; and
 - Candidate for MLA.
- 8.7 Notwithstanding the above, the City Manager, General Managers and their equivalents are not permitted active participation in a Vancouver civic party or promotion of a particular candidate.

9. GIFTS AND PERSONAL BENEFITS

Council Officials

- 9.1 Under the *Vancouver Charter*, section 145.7, Council officials must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibilities of office.
- 9.2 The *Vancouver Charter*, section 145.8 requires Council members to disclose gifts or personal benefits received directly or indirectly amounting to \$250 from any one source in any 12 month period. The disclosure must be filed with the City Clerk as soon as reasonably practicable.
- 9.3 Gifts or personal benefits with a value of over \$200 that are presented to Council members by visiting dignitaries and/or delegations as a matter of protocol must be turned over to the appropriate City Clerk for safekeeping or disposition.
- 9.4 Gifts or personal benefits with a value of over \$500 that are presented to the Mayor by visiting dignitaries and/or delegations as a matter of protocol must be turned over to the appropriate City Clerk for safekeeping or disposition.

Staff and Advisory Body Members

- 9.5 Staff and advisory body members must not accept any gift or personal benefit given because of the individual's position. This includes gifts and personal benefits of a token value such as bottles of alcohol, free or subsidized meals, invitations to social functions organized by groups or community organizations, ties, scarves, and chocolates.

Staff and advisory body members may accept a gift or personal benefit received as an incident of protocol or as a City representative on speaking engagements, technical presentations, or other related activities.
- 9.6 Staff and advisory body members must also take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- 9.7 Gifts or personal benefits with a value of over \$200 that are presented to staff or advisory body members by visiting dignitaries and/or delegations as an incident of protocol must be turned over to the City Clerk for safekeeping or disposition.
- 9.8 Gifts with a value of over \$200 presented to staff or advisory body members being paid to represent the City on speaking engagements, technical presentations or other related activities must be turned over to the City Clerk for safekeeping or disposition.
- 9.9 Gifts in the form of cash honorariums, regardless of the amount, are to be turned over to the City Clerk. Such monetary gifts do not include reimbursement for out-of-pocket costs incurred by staff for travel, living and accommodation expenses associated with attendance at an event.

Disclosure of Gifts and Personal Benefits

- 9.10 Council officials, staff and advisory body members must disclose receipt of any gift or personal benefit with more than a token value. The disclosure must be filed with the City Clerk as soon as practicable. The disclosure will include a description of the gift or benefit, the estimated value, the donor, the recipient and its final disposition.
- 9.11 These gifts may be displayed in individual offices, general offices, or in the public areas of City Hall. Alternatively, they may be disposed of by sale or auction, with the proceeds credited to the City's general revenues.
- 9.12 The City Clerk will assist in determining a value for each gift or personal benefit for purposes of executing this Code of Conduct.

10. INTERACTIONS OF COUNCIL, STAFF & ADVISORY BODY MEMBERS

Conduct of Council Officials and Political Staff

- 10.1 Council is the governing body of the City of Vancouver. It has the responsibility to govern the City in accordance with the *Vancouver Charter* and other legislation.
- 10.2 Council officials must act in accordance with Council's Procedure By-Law and the conduct guidelines outlined in this Code.
- 10.3 Council officials are to contact staff according to the procedures authorized by the City Manager regarding the interaction of Council members and staff. As a general guide, inquiries are to be directed to General Managers. Direct access to staff within a department is at the General Manager's discretion.
- 10.4 Where a Council official inquiry may, in the opinion of the City Manager, result in more than a few hours work or may involve sensitive matters, the Council official must obtain the approval of the City Manager or City Council.
- 10.5 Council officials must not direct or influence, or attempt to direct or influence, any staff or advisory body member in the exercise of their duties or functions.
- 10.6 Council officials are not to contact or issue instructions to any of the City's contractors, tenderers, consultants or other service providers.
- 10.7 Council officials must not make public statements attacking or reflecting negatively on City of Vancouver staff or invoke staff matters for political purposes.
- 10.8 Council officials must not approach staff organizations about personnel and/or personal matters of individual staff members.
- 10.9 Council officials are to direct requests for working papers or preliminary drafts of reports to the General Manager. The General Manager may point out controversial or confidential aspects of the document, and may stress that the document may not represent the final position of staff.

Conduct of Staff

- 10.10 The City Manager is responsible for the efficient and effective operation of the City organization and for ensuring the implementation of the decisions of the Council.
- 10.11 Staff are expected to:
- Give their attention to the business of the City while on duty;
 - Ensure that their work is carried out efficiently, economically and effectively;
 - Provide Council officials with information sufficient to enable them to carry out their civic functions;
 - Carry out lawful directions given by any person having authority to give such directions; and
 - Give effect to the lawful policies, decisions and practices of Council, whether or not the staff member agrees with or approves of them.
- 10.12 Staff should seek the advice and approval of their General Manager prior to responding to a direct request from Council officials, except where the request is minor or of a day-to-day operational nature.
- 10.13 Staff are to provide information and professional advice through regular City processes and are not to lobby Council officials on any matter.
- 10.14 Staff must not make public statements unfairly attacking or reflecting negatively on City of Vancouver City Council, individual Council officials and staff.
- 10.15 General Managers are to be equally helpful to all members of Council, and should avoid close relationships, or the appearance of close relationships, with particular Council members or groups of Council members. Information and advice is to be provided as requested, within the limitations of this document.
- 10.16 Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council officials, and to the City Manager.

Conduct of Advisory Body Members

- 10.17 Advisory body members must act in accordance with the relevant sections of the Procedure By-Law and the conduct guidelines outlined in this document.
- 10.18 Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions.
- 10.19 Advisory body members must not make public statements unfairly attacking or reflecting negatively on City of Vancouver individual staff or Council officials.

11. BREACHES, COMPLAINT HANDLING & DISCIPLINARY ACTION

11.1 Council officials, staff and advisory body members are to abide by the requirements of the *Vancouver Charter* and this Code of Conduct.

Council Official and Advisory Body Member Conduct - Complaint Handling

11.2 The Mayor will consider alleged breaches to the Code of Conduct by Council officials and advisory body members, make any necessary enquiries and recommend appropriate disciplinary action to Council.

11.3 Alleged breaches in the Code of Conduct by Council officials, and advisory body officials should be reported in writing to the Mayor.

11.4 Where a Council official is reporting an alleged breach of conduct by a fellow Council official, the complainant should refrain from making allegations at meetings of Council.

11.5 The Mayor may recommend that Council take any actions provided for in this Code of Conduct that the Mayor considers reasonable in the circumstances.

11.6 Where Council finds that a Council member or advisory body member has breached the Code of Conduct, Council may decide by resolution to:

- Censure the individual for misbehaviour;
- Require the individual to apologize to any person adversely affected by the breach;
- Counsel the individual; or
- In the case of advisory body members, terminate their appointment.

Staff Conduct - Complaint Handling

11.7 Breaches of this Code by staff party to collective agreements will be handled through existing collective agreements and arbitration processes. These mechanisms include the ability for the City to take appropriate disciplinary action up to and including dismissal.

11.8 Breaches of this Code by exempt staff will be handled through existing processes, follow a duty of procedural fairness and in accordance with existing labour jurisprudence. The General Manager of Human Resource Services, department General Managers or equivalents and/or the City Manager review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.

11.9 Disciplinary processes for breaches of this Code by contract employees are written into contracts on a case by case basis, and will be dealt with in accordance with the conditions outlined therein.

11.10 Alleged breaches in the Code of Conduct by staff or contract employees should be reported in writing to a General Manager or the equivalent.

Appendix B

Advisory Body Assessment Matrix

Advisory Body	Relevancy to City Work	Clear Mandate & Purpose	Membership & Structure	Resources	Reporting Relationships	Accountability	Outcome
Advisory Committee on Disability Issues							
Advisory Committee on Diversity Issues							
Advisory Committee on Seniors' Issues							
Bicycle Advisory Committee							
Building Board of Appeal							
Chinatown Historic Area Planning Committee							
Development Permit Board and Advisory Panel							
Fire and Rescue Services Citizens' Advisory Committee							
First Shaughnessy Advisory Design Panel							
Gastown Historic Area Planning Committee							
Peace & Justice Committee							
Public Art Committee							
Urban Design Panel							
Vancouver Athletic Commission							
Vancouver City Planning Commission (VCPC)							
Vancouver Civic Theatres Board							

Advisory Body	Relevancy to City Work	Clear Mandate & Purpose	Membership & Structure	Resources	Reporting Relationships	Accountability	Outcome
Vancouver Heritage Commission							
Women’s Advisory Committee							
City Creative Task Force							
Food Policy Council							
Mayor’s Working Group on Immigration							
Neighbourhood Engagement Task Force							
Pedestrian Safety Task Force							
Sustainable Purchasing Task Force							
Vancouver Prevention Task Force							
Joint Council on Child Care							

Appendix C

Advisory Bodies at the City of Vancouver

Committees, Boards and Commissions

Body	Applicable Statute	Applicable By-law	Annual Report Submitted to Council	Members Previously Appointed	Comments
Advisory Committee on Disability Issues	None	None	Yes	Yes (3-year term)	
Advisory Committee on Diversity Issues	None	None	Yes	Yes (3-year term)	
Advisory Committee on Seniors' Issues	None	None	Yes	Yes (3-year term)	
Bicycle Advisory Committee	None	None	Yes	Yes (2-year term, staggered)	
Building Board of Appeal	VC s. 306B	Bylaw No. 6135	No	Yes (2-year term, staggered)	
Board of Variance	VC s. 572/573 (required)	Bylaw No. 3884	No	Yes (3-year term)	Board of Variance operates independent of City Council and is required by provincial law
Chinatown Historic Area Planning Committee	None	None	No	Yes (2-year term, staggered)	
Development Permit Board and Advisory Panel	None	Bylaw No. 5869	No	Yes (2-year term, staggered)	
Family Court-Youth Justice Committee	s. 5 of Prov. Court Act; s. 18 of Provincial Youth Criminal Justice Act	None	Yes Also reports annually to Attorney General of B.C.	Yes (1 year term, renewable indefinitely)	Family Court-Youth Justice Committee required by provincial law

Body	Applicable Statute	Applicable By-law	Annual Report Submitted to Council	Members Previously Appointed	Comments
Fire and Rescue Services Citizens' Advisory Committee	None	None	No	Yes (2-year term, staggered)	
First Shaughnessy Advisory Design Panel	None	None	No	Yes (2-year term, staggered)	
Gastown Historic Area Planning Committee	None	None	No	Yes (2-year term, staggered)	
Peace and Justice Committee	None	None	No	Yes (3-year term)	
Public Art Committee	None	By-law No. 6870	No	Yes (2-year term, staggered)	
Urban Design Panel	None	Bylaw No. 4722 as amended	No	Yes (2-year term, staggered)	
Vancouver Athletic Commission	VC s. 338	Bylaw No. 2875	Yes	Yes (1-year term)	
Vancouver City Planning Commission	VC s. 574	Bylaw No. 5064	Yes (Budget Proposal)	Yes (2-year term, staggered)	
Vancouver Civic Theatres Board	VC s. 204A	Bylaw No. 3941	No	Yes (2-year term, staggered)	
Vancouver Heritage Commission	VC s. 581	Bylaw No. 4800	No	Yes (2-year term, staggered)	
Women's Advisory Committee	None	None	No	No	Established by Council resolution on July 12, 2005 as a result of the work of the Women's Task Force. Terms of Reference have not been adopted.

Task Forces

Body	Applicable Statute	Applicable By-law	Annual Report Submitted to Council	Members Previously Appointed	Comments
City Creative Task Force	None	None	No	Yes	Members were not appointed by City Council but chosen by reps of the Vancouver Cultural Alliance.
Food Policy Council	None	None	Yes	Yes	The first group of members was not appointed by City Council but under the T of R, the next group will be.
Mayor's Working Group on Immigration	None	None	No	Yes	Council approved continuation of Task Force on October 4, 2005
Neighbourhood Engagement Task Force	None	None	Not determined	No	Established by Council resolution on June 16, 2005. Terms of Reference have not been adopted.
Pedestrian Safety Task Force	None	None	Not determined	No	There has been no report back to Council with a detailed work plan.
Sustainable Purchasing Staff Force	None	None	Not determined	No	Established by Council resolution on June 16, 2005.
Vancouver Prevention Task Force	None	None	Not determined	No	Established by Council resolution on November 3, 2005.

Appendix D

Roles, Relationships and Responsibilities Review Terms of Reference

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, January 17, 2006, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

17. Roles, Responsibilities and Relationships Review: Terms of Reference January 3, 2006 (File 08-2200-20)

MOTION AS AMENDED AND ADOPTED

- A. THAT Council approve the terms of reference for Roles, Relationships and Responsibilities Review as outlined below:

Roles, Relationships and Responsibilities Review - Terms of Reference

- i. Purpose - to provide advice regarding particular aspects of City governance for the consideration of City Council, that will:
 - a. Propose principles, guidelines and/or formal policy recommendations to promote good governance, including:
 - i. Relationships between and roles of Council, staff, and the citizenry
 - ii. Responsible and appropriate conduct of Mayor and Councillors and staff members
 - iii. Public Input, including advisory bodies and other methods;
 - b. Review the roles, relationships and responsibilities of City Council, staff and the public and propose a Code of Conduct for Council and staff that includes:
 - i. Ethical considerations
 - ii. Behavioural guidelines
 - iii. Information about appropriate relationships for Council and staff;
 - c. Provide an analysis of the purpose and effectiveness of advisory bodies created by City Council that will:
 - i. Propose principles and guidelines for the establishment, format and continuation of advisory bodies
 - ii. Analyze the terms of reference, roles, reporting structures and operations of current advisory bodies in terms of the proposed principles and guidelines. This analysis will not make recommendations regarding the continuation or discharge of any advisory body. It will be presented for consideration

- when Council determines the continuation, alteration or dissolution of current advisory bodies
- iii. Identify the various forms of advisory bodies currently in existence at the City and explore alternatives in use in other cities or governments; and
 - d. Explore and assess other potential means for effective public input to City Council by means of an extensive literature review and analysis of established best practices.
- ii. Methodology - that the Review Committee:
 - a. Draw on their experience and expertise in matters of municipal governance and community input and participation;
 - b. Conduct a review of best practices; and
 - c. Build upon and not duplicate work already completed by the City in this area, such as the broad public and advisory body consultation conducted for the Public Involvement Review and by the Advisory Body Task Force.
 - iii. Timeline – that the Review Committee:
 - a. Complete and report back on the advisory body portion of the Review by late February, 2006, in order to expedite any decision making Council will undertake regarding the continuation, discharge or alteration of advisory bodies; and
 - b. Complete and report back on the remainder of the review by late spring/early summer.
 - iv. Budget – that funding in the amount of \$10,000 be allocated to the support the work of the Roles, Relationships and Responsibilities Review.
 - v. Review Committee Membership – that in order to successfully undertake the Roles, Relationships and Responsibilities Review, the committee will:
 - a. Have extensive experience and knowledge of City governance, community participation, City processes and procedures;
 - b. Have the capacity to conduct an analysis of existing information about the purpose, form and operation of advisory bodies to municipal governments; and
 - c. Have the ability to present an analysis in a form that is useful to City Council for its consideration and deliberations.