



## REPORT TO COUNCIL

### STANDING COMMITTEE OF COUNCIL ON CITY FINANCE AND SERVICES

JANUARY 20, 2021

A meeting of the Standing Committee of Council on City Finance and Services was held on Wednesday, January 20, 2021, at 9:30 am, in the Council Chamber, Third Floor, City Hall. This Committee meeting was convened by electronic means as authorized under Part 14 of the *Procedure By-law, Vancouver Charter* and the Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – *Emergency Program Act*, updated Ministerial Order No. M192.

**PRESENT:**

- Councillor Rebecca Bligh, Chair
- Mayor Kennedy Stewart
- Councillor Christine Boyle
- Councillor Adriane Carr
- Councillor Melissa De Genova
- Councillor Lisa Dominato
- Councillor Pete Fry, Vice-Chair
- Councillor Colleen Hardwick
- Councillor Sarah Kirby-Yung
- Councillor Jean Swanson
- Councillor Michael Wiebe\* – (Leave of Absence for Civic Business from 9:30 am to 1:30 pm)

**CITY MANAGER'S OFFICE:** Paul Mochrie, Acting City Manager  
Karen Levitt, Deputy City Manager

**CITY CLERK'S OFFICE:** Tina Penney, Deputy City Clerk  
Rowena Choi, Meeting Coordinator

\* Denotes absence for a portion of the meeting

### WELCOME

The Chair acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Chair also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

## **MATTERS ADOPTED ON CONSENT**

MOVED by Councillor Dominato

THAT Council adopt Items 2 and 3, on consent.

CARRIED UNANIMOUSLY

(Councillor Wiebe absent for the vote due to Civic Business)

**1. The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_)  
January 8, 2021**

The Acting City Manager, Paul Mochrie, introduced the item and Jason Twa, Assistant Director – Civil Litigation, Legal Services, along with Andrew Aguilar, Lawyer, Legal Services presented on the item and responded to questions.

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*At 10:21 am, during questions to staff, it was*

*MOVED by Councillor Hardwick*

*THAT the Committee enter into a second round of questions to staff on Item 1 “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_)”.*

**CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY**

*(Councillor Wiebe absent for the vote due to Civic Business)*

\* \* \* \* \*

MOVED by Mayor Stewart

THAT the Committee recommend to Council

- A. THAT Council direct the City Solicitor to bring forward for enactment, a By-law (the “By-law”) substantially in the form attached as Appendix “A” to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and advisory Board Members (BY-LAW NO.\_\_\_\_)”.
- B. THAT Council direct the City Solicitor to bring forward for approval consequential amendments to the Code of Conduct (Policy Number AE-028-01) to exclude application to Council Members and Advisory Board Members upon enactment of the By-law.
- C. THAT Council direct the City Manager to conduct a selection process after enactment and that a recommended candidate for Integrity Commissioner be put forward for Council’s consideration.

- D. THAT Council approve a budget of \$200,000 in 2021 from the \$2 million Council contingency, and direct staff to identify an ongoing funding source from deferral of investments, adjustment to service levels, or additional property tax increases to be considered as part of the 2022 annual budget process.

amended

AMENDMENT MOVED by Mayor Stewart

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT Section 5.9 be amended as follows:

- Subsection (b) – strike the words after the phrase “provide advice and recommendations to Council” and insert the phrase:
  - “member, regarding their compliance or disclosure obligations under a provincial statute, such as the *Financial Disclosure Act*, or other such statute that imposes an express compliance or disclosure obligation on the Council Member due to their position as an elected official, where requested to do so by a Council Member”;

FURTHER THAT the following be added as clause E:

THAT Council direct the Integrity Commissioner to review the provisions of the provincial *Members Conflict of Interest Act* to consider whether any provisions or features of the Act should be implemented in the by-law and that the Integrity Commissioner report back to Council, as part of their first annual report in 5.9(k) of the by-law, with any resulting recommendations to improve the by-law.

CARRIED UNANIMOUSLY (Vote No. 06859)  
(Councillor Wiebe absent for the vote due to Civic Business)

AMENDMENT MOVED by Councillor Dominato

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT in Section 4.6 be amended as follows:

- the word “contact” be struck.

CARRIED UNANIMOUSLY (Vote No. 06860)  
(Councillor Wiebe absent for the vote due to Civic Business)

AMENDMENT MOVED by Councillor Swanson

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT Section 3.4 be amended as follows:

- Subsection (c) – be struck and insert:
  - ensure that all communications by, and on behalf of a member, including communications made via social media, do not discriminate, harass, or defame any person, giving primacy to the importance of free and open debate as guaranteed under the Charter of Rights and Freedoms.

amended

AMENDMENT TO THE AMENDMENT MOVED by Councillor Carr

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT Section 3.4(c) be amended as follows:

- insert the words “are respectful and” after “social media”;
- strike the phrase “giving primacy to the importance of” and insert “recognizing that”
- strike the word “as” and insert “is”

CARRIED UNANIMOUSLY (Vote No. 06861)  
(Councillor Wiebe absent for the vote due to Civic Business)

The amendment to the amendment having carried, the amendment as amended was put and CARRIED UNANIMOUSLY (Vote No. 06873) with Councillor Wiebe absent for the vote due to Civic Business.

AMENDMENT MOVED by Councillor Swanson

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT Section 3.1 be struck.

LOST (Vote No. 06864)  
(Councillors Bligh, Boyle, Carr, Dominato, Fry, Kirby-Yung and Mayor Stewart opposed)  
(Councillors De Genova and Hardwick abstained)  
(Councillor Wiebe absent for the vote due to Civic Business)

AMENDMENT MOVED by Councillor Swanson

THAT Appendix A to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” be amended as follows:

THAT Section 2 be amended as follows:

- Subsection (f) – insert the phrase “, except members may participate in peaceful civil disobedience” after the word “governance”.

CARRIED (Vote No. 06865)  
(Councillors De Genova and Kirby-Yung opposed)  
(Councillors Dominato and Hardwick abstained)  
(Councillor Wiebe absent for the vote due to Civic Business)

\* \* \* \* \*

*The Committee recessed at 11:56 am and reconvened at 4:18 pm.*

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AMENDMENT MOVED by Councillor De Genova

THAT the following be added to the end as clause F:

THAT Council delegate the appointment of the ad hoc Commissioner to the City Manager in all cases, in the absence of an appointment of an Integrity Commissioner.

CARRIED (Vote No. 06875)  
(Councillors Boyle, Hardwick and Swanson opposed)  
(Councillors Bligh, Carr and Fry abstained from the vote)  
(Councillor Wiebe absent for the vote)

The amendments having either lost or carried, the Committee agreed to sever the vote on the components of the amended motion. Clause A, Section 2 (f) was put and CARRIED (Vote No. 06876) with Councillors De Genova and Kirby-Yung opposed and the balance of the amended motion was put and CARRIED UNANIMOUSLY (Vote No. 06868) with Councillor Wiebe absent for all the votes on this item.

**FINAL MOTION AS APPROVED**

- A. THAT Council direct the City Solicitor to bring forward for enactment, a By-law (the “By-law”) substantially in the form attached as Appendix “A” to the Report dated January 8, 2021, entitled “The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_),” with the following amendments:

i. Section 2(f)

responsibility: a member must respect and comply with the Acts of the Parliament of Canada, the Legislature of British Columbia, including the *Vancouver Charter*, City by-laws, and applicable City policies, and avoid conduct that, reasonably, undermines, or has the potential to undermine, public confidence in City governance—except members may participate in peaceful civil disobedience; and;

ii. Section 3.4(c)

ensure that all communications by, and on behalf of a member, including communications made via social media, are respectful and do not discriminate, harass, or defame any person, recognizing that free and open debate is guaranteed under the *Charter of Rights and Freedoms*;

iii. Section 4.6

A member must not instruct or direct any of the City's contractors, tenders, consultants or other service providers regarding City business; and

iv. Section 5.9(b)

provide advice and recommendations to a Council member, regarding their compliance or disclosure obligations under a provincial statute, such as the *Financial Disclosure Act*, or other such statute that imposes an express compliance or disclosure obligation on the Council Member due to their position as an elected official, where requested to do so by a Council Member.

- B. THAT Council direct the City Solicitor to bring forward for approval consequential amendments to the *Code of Conduct (Policy Number AE-028-01)* to exclude application to Council Members and Advisory Board Members upon enactment of the By-law.
- C. THAT Council direct the City Manager to conduct a selection process after enactment and that a recommended candidate for Integrity Commissioner be put forward for Council's consideration.
- D. THAT Council approve a budget of \$200,000 in 2021 from the \$2 million Council contingency, and direct staff to identify an ongoing funding source from deferral of investments, adjustment to service levels, or additional property tax increases to be considered as part of the 2022 annual budget process.
- E. THAT Council direct the Integrity Commissioner to review the provisions of the provincial *Members Conflict of Interest Act* to consider whether any provisions or features of the Act should be implemented in the by-law and that the Integrity Commissioner report back to Council, as part of their first annual report in 5.9(k) of the by-law, with any resulting recommendations to improve the by-law.

- F. THAT Council delegate the appointment of the ad hoc Commissioner to the City Manager in all cases, in the absence of an appointment of an Integrity Commissioner.

**2. Contract Award for General Excavated Materials Sorting, Loading and Hauling December 21, 2020**

THAT the Committee recommend to Council

- A. THAT Council authorize staff to negotiate to the satisfaction of the General Manager of Engineering Services, City's Director of Legal Services, and the City's Chief Procurement Officer and enter into a contract with P. Sekhon Trucking Ltd. for general excavated materials sorting, loading and hauling for a term of three (3) years, with the option to extend for two (2) additional one (1) year terms, with an estimated contract value of \$4,664,790 plus applicable taxes over the initial 3-year term, to be funded through the annual operating budget for Engineering Services Kent Yard operation.
- B. THAT the Director of Legal Services, Chief Procurement Officer and General Manager of Engineering Services be authorized to execute on behalf of the City the contract contemplated by A above.
- C. THAT no legal rights or obligations will be created by Council's adoption of A and B above unless and until such contract is executed by the authorized signatories of the City as set out above.

ADOPTED ON CONSENT (Vote No. 06866)  
(Councillor Wiebe absent for the vote due to Civic Business)

**3. Contract Award for PS20200434 – Provision of a Sewage and Rainwater Management Plan ("SRMP") for Vancouver December 11, 2020**

THAT the Committee recommend to Council

- A. THAT Council authorize City staff to negotiate to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services, and the Chief Procurement Officer a contract with Brown and Caldwell Consultants Canada Ltd., for the Provision of a Sewage and Rainwater Management Plan for Vancouver, for a term of approximately three and half (3.5) years with the option to extend at City's discretion, for another two (2) years with an estimated contract value of \$2,757,849, plus applicable taxes over the initial term, to be funded through the multiyear approved Capital Budget for the Clean Waters Plan (NEI-00009).
- B. THAT the Director of Legal Services, Chief Procurement Officer and General Manager of the Engineering Services be authorized to execute on behalf of the City the contract contemplated by A above.

- C. THAT no legal rights or obligations will be created by Council's adoption of A and B above unless and until such contract is executed by the authorized signatories of the City as set out above.

ADOPTED ON CONSENT (Vote No. 06872)  
(Councillor Wiebe absent for the vote due to Civic Business)

REFERRAL MOVED by Mayor Stewart

THAT the Committee refer Item 4 entitled "Ensuring That People with Health and Mobility Issues Have Protection and Support When Elevators Break Down", and Item 5 entitled "Improving Street Lighting in Vancouver", to the Standing Committee on Policy and Strategic Priorities meeting on February 10, 2021, in order to hear from speakers, debate and decision.

CARRIED UNANIMOUSLY  
(Councillor Wiebe absent for the vote)

The Committee adjourned at 4:54 pm.

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**COUNCIL MEETING MINUTES  
STANDING COMMITTEE OF COUNCIL ON  
CITY FINANCE AND SERVICES**

**JANUARY 20, 2021**

A meeting of the Council of the City of Vancouver was held on Wednesday, January 20, 2021, at 4:55 pm, in the Council Chamber, Third Floor, City Hall, following the Standing Committee on City Finance and Services meeting, to consider the recommendations and actions of the Committee.

**PRESENT:** Mayor Kennedy Stewart  
Councillor Rebecca Bligh  
Councillor Christine Boyle  
Councillor Adriane Carr  
Councillor Melissa De Genova  
Councillor Lisa Dominato  
Councillor Pete Fry  
Councillor Colleen Hardwick  
Councillor Sarah Kirby-Yung  
Councillor Jean Swanson  
Councillor Michael Wiebe

**CITY MANAGER'S OFFICE:** Paul Mochrie, Acting City Manager  
Karen Levitt, Deputy City Manager

**CITY CLERK'S OFFICE:** Tina Penney, Deputy City Clerk  
Rowena Choi, Meeting Coordinator

**COMMITTEE REPORTS**

Report of Standing Committee on City Finance and Services  
Wednesday, January 20, 2021

Council considered the report containing the recommendations and actions taken by the Standing Committee on City Finance and Services. Its items of business included:

1. The Code of Conduct for Council Members and Advisory Board Members (BY-LAW NO.\_\_\_\_)
2. Single-Use Items: New Date for Enforcing Shopping Bag and Beverage Cup By-laws Due to COVID-19 Pandemic
3. Contract Award for PS20200434 – Provision of a Sewage and Rainwater Management Plan ("SRMP") for Vancouver
4. Ensuring That People with Health and Mobility Issues Have Protection and Support When Elevators Break Down (Member's Motion B.2)

5. Improving Street Lighting in Vancouver (Member's Motion B.3)

Items 1 to 5

MOVED by Councillor De Genova  
SECONDED by Councillor Dominato

THAT the recommendations and actions taken by the Standing Committee on City Finance and Services at its meeting of January 20, 2021, as contained in items 1 to 5, be approved.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor De Genova

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Council adjourned at 4:59 pm.

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