

Annual Report of the Office of the Integrity
Commissioner &
Review of the Code of Conduct By-Law
Standing Committee - April 26, 2023

Resolutions Sought

- A. THAT Council, pursuant to section 145.93 of the Vancouver Charter, resolve to review the Code of Conduct By-law No. 12886 (the “Code of Conduct”) and for that purpose receive for information the Annual report of the Office of the Integrity Commissioner for the period of January 1, 2022 to October 31, 2022 (the “Annual Report”) attached as Appendix “A” to this report;
- B. That Council endorse the recommendations drawn from the Annual Report and attached as Appendix “B” to this report in order to improve the text or operation of the Code of Conduct By-law; and
- C. That Council instruct staff to bring forward proposed amendments to the Code of Conduct and Mayor and Councillor Expenses By-Law No. 11529 (the “Expenses By-law”) to reflect the recommendations endorsed.

Background - *Vancouver Charter* Requirements

- On June 13, 2022, the *Vancouver Charter* was amended to add section 145.93, requiring Council to:
 - consider whether the Code of Conduct should be reviewed and decide by resolution at a Council meeting within 6 months after its first meeting following the general local election;
 - consider the four principles set out in the Regulation before making its decision; and
 - if it decides not to review the Code of Conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

Four Principles Required to be Considered

- The Regulation requires that Council consider the following four principles when reviewing the Code of Conduct:
 - (a) council members must carry out their duties with integrity;
 - (b) council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
 - (c) council members must be respectful of others; and
 - (d) council members must demonstrate leadership and collaboration.
- The standards and values set out in the Code of Conduct substantially address these principles with the exception of the principle that Council Members must demonstrate collaboration.
- Collaboration is addressed in recommendation 5 of Appendix “B”.

Recommendations in the Annual Report

- The Annual Report contains nine recommendations to improve the operation of the Code of Conduct, as follows:
 1. Make Integrity Commissioner educational presentations mandatory with absences to be reported in the Integrity Commissioner's annual report;
 2. Require Advisory Board Members to complete a minimum of 4 hours of compulsory education on key topics of conflicts of interest, Code of Conduct and communications each year, with failure to complete to be reported in the Integrity Commissioner's annual report;
 3. Allow Council Members, including the Mayor, to incur eligible expenses of up to \$5,000 per year for obtaining independent legal advice as to their duties and obligations under the Code of Conduct, *Financial Disclosure Act* and conflict of interest provisions in the *Vancouver Charter* (sections 145.2-145.91);

Recommendations in the Annual Report Continued

4. Expressly allow the Integrity Commissioner to provide their opinion or make recommendations regarding indemnification of legal fees of a Council Member incurred as a result of responding to a Code of Conduct complaint or investigation;
5. Amend the definition of “leadership in the public interest”, to take into account the principle of collaboration set out in the Regulation;
6. Minimize the overlap between the Code of Conduct and City employment policies by clarifying the extent to which the Code of Conduct applies to complaints made by employees and mandating certain disclosure to the City Manager when a complaint under the Code of Conduct may be subject to City employment policies or applicable employment related legislation;

Recommendations in the Annual Report Continued

7. Expressly permit the Integrity Commissioner to pause the timeline for formal investigations where mediation may be an option for resolution;
8. That the Integrity Commissioner's annual report be made public by no later than December 1 each year for planning, budgetary and transitional reasons; and
9. Adding transitional provisions to the Code of Conduct.

Current Review Meets Requirement

- In approving the recommendations, Council will have complied with the requirements of section 145.93(1)(b) by:
 - Resolving to review the Code of Conduct;
 - Considering the required principles in the Regulation;
 - Reviewing the recommendations of the Integrity Commissioner outlined in the Annual Report; and
 - Approving such recommendations as Council considers appropriate.