

## **EXPLANATION**

### **A By-law to amend the Code of Conduct By-law No. 12886 regarding independent reviews**

On July 24, 2024, Council directed staff to bring forward proposed amendments to the Code of Conduct By-law regarding investigations by the Integrity Commissioner's Office to facilitate a third-party independent review. The attached By-law will implement the proposed amendments to the Code of Conduct By-law brought forward by staff in response to this resolution. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services  
August 6, 2024

**BY-LAW NO. \_\_\_\_\_**

**A By-law to amend the Code of Conduct By-law No. 12886  
regarding independent reviews**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Code of Conduct By-law.
2. In section 1.2, Council:
  - (a) adds the following definition in the correct alphabetical order:

““independent review” means the third party independent review of this By-law directed by Council on July 24, 2024;”;
  - (b) strikes out “and” at the end of the definition for “personal information”;
  - (c) strikes out the period at the end of the definition for “respondent” and substitutes “; and”; and
  - (d) adds the following definition in the correct alphabetical order:

““suspension period” means the period running from August 6, 2024, through to that date which is 90 days after Council receives the recommendations arising from the independent review.”.
3. Council adds a new Part 8 in the correct numerical order as follows:

**“PART 8  
Independent Review**

8.1 During the suspension period, the Integrity Commissioner shall continue to receive new complaints submitted pursuant to this By-law and shall continue to exercise the power to reject any complaint, or part of a complaint, that is not within the jurisdiction of this By-law in accordance with section 6.13.

8.2 Notwithstanding any other provision in this By-law, during the suspension period the Integrity Commissioner shall not exercise any of the following powers provided for under this By-law with respect to an existing complaint received prior to the suspension period or a new complaint received during the suspension period:

- a) the power to conduct a preliminary assessment of a complaint contained in section 6.15;
- b) the power to conduct an informal resolution of a complaint contained in sections 6.17 through 6.23; and
- c) the power to conduct a formal resolution or formal investigation of a complaint in sections 6.24 through 6.28.A.

8.3 Notwithstanding any other provision of this By-law, any preliminary assessment, informal resolution, formal resolution or formal investigation that is in progress at the time of the commencement of the suspension period shall be paused and shall not continue until the expiry of the suspension period.

8.4 For the purposes of section 6.29, the time during the suspension period shall not be counted toward the 90 day time period in which the Integrity Commissioner is required to make a decision on a complaint and the Integrity Commissioner shall not be required to give notices of extensions of time to complete the investigation.

8.5 Notwithstanding any other provision in this By-law, during the suspension period a member may share with the third party conducting the independent review any confidential information regarding previous investigations conducted under this By-law, but shall not disclose privileged information of the City.”.

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this                      day of                      , 2024

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Mayor

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City Clerk