

COUNCIL MEMBERS' MOTION

For consideration at the Standing Committee meeting of City Council on November 27, 2024

3. Ensuring Councillor Motions Maintain Public Confidence in the Good Rule of the City

Submitted by: Councillor Carr

WHEREAS

1. The City of Vancouver *Procedure By-law No. 12577* Section 8.7 (see <https://bylaws.vancouver.ca/12577c.pdf>) states that the Chair may refuse to open a motion for debate if the Chair decides the motion is out of order because it:
 - (a) is not compatible with the purposes and objects of the *Vancouver Charter* including the good rule and government of the City, or the health, safety, and welfare of its inhabitants;
 - (b) conflicts with a law or by-law;
 - (c) conflicts with a resolution previously passed and still in force;

However, it can often be difficult for Council members, who normally call a point of order, and the Chair to make that determination.

2. Vancouver's *Code of Conduct By-Law No. 12886* Part 2 states that a member of Council must uphold certain standards and values including: (see https://vancouver.ca/docs/council/12886_Code_of_Conduct_Bylaw.pdf)
 - fairness: a member must consider all issues consistently and fairly, and in light of all relevant facts, opinions and analysis of which a member should be reasonably aware;
 - integrity: a member must avoid improper use of influence and avoid all conflicts of interest, both apparent and real;
 - leadership in the public interest: a member must act in the best interests of the city as a whole, and without regard to the member's personal interests; and
 - 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.

3. Vancouver's *Code of Conduct By-Law No. 12886* also states in Section 3.4, "Without limiting the ability of a Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must: (b) ensure that all communications relating to Council business are accurate and not issue any communication that the member knows, or ought to have known, to be false."

In a time that is being called the age of disinformation, it is especially important to disclose sources of information in order to maintain public confidence and trust that government decision-making is both grounded in accurate information and in the best public interest.

See: <https://www.canada.ca/en/democratic-institutions/services/protecting-democratic-institutions/countering-disinformation-guidebook-public-servants.html>

4. The process to submit a Council member's motion for a Standing Committee agenda is covered in the city's *Procedure By-law*. The process includes timelines that enable inclusion of the motion in publicly posted council agendas, giving sufficient time for the public and media to review and for people to provide input to Council and register to speak to the motion.
5. During debate on a staff report or other matters for decision at Council, Council members regularly table motions and amendments without any advance public notice nor notice to staff or other Councillors during debate on a staff report. In most cases it is clear and transparent that the motions and amendments arise from Council discussion and debate of the matter as well as from public input and speakers. If that is not the case, public trust in good and transparent government decision-making can be jeopardized.
6. The City of Vancouver *Procedure By-law 12577* also states in Sections 13.24 and 13.25 the procedure to follow to enable a Council member who is absent for part of a public hearing to vote on the matter:

S. 13.24 - A Council member who is absent for part of a public hearing that is concluded in one day, or for part of the last day of a public hearing that lasts longer than one day, may only vote on a motion regarding amendment or approval in principle of the proposed by-law or by-laws if the Council member first receives or reviews a public hearing summary during a 10 minute recess called for that purpose, except that the Council member may not vote on the motion if the public hearing summary cannot be reasonably presented or reviewed during the 10-minute recess.

S. 13.25 - A Council member who is absent for part of a public hearing that lasts longer than one day, other than for part of the last day of the public hearing, may only vote on a motion regarding amendment or approval in principle of the proposed by-law or by-laws if the Council member first receives or reviews a public hearing summary, which must include the video recording of that part of the public hearing that was conducted in the absence of the Council member.

THEREFORE BE IT RESOLVED:

THAT Council direct staff to review the City of Vancouver *Procedure By-law* and other documents, procedures and training, including, if appropriate, the City's *Code of Conduct By-Law* after the current Council-directed review of the Integrity Commissioner office is complete, and report back to Council with recommendations to better ensure that Councillors' motions and decisions align with the good rule and good governance of the city including:

- i. Processes and procedures to help a member of Council or the Chair of a Council meeting, including with the obligatory input of staff, determine if a Council motion conflicts with a law or bylaw or resolution previously passed that is still in effect;
- ii. Criteria related to public trust in good and transparent government decision-making that identify the type and scope of motions that public consultation;
- iii. When, how and for what types of motions, Council members should publicly disclose the main or most significant sources of information and collaboration, possibly including meetings with individuals including with the City of Vancouver's and/or Mayor's office staff, in accordance with the *Code of Conduct* Sections 2 c) *a member must avoid improper use of influence and avoid all conflicts of interest both apparent and real*, and 2.(g) transparency – *a member must conduct their duties in an open and transparent manner*;
- iv. Criteria and best practices regarding whether and when a Council member's amendment or new motion to a Council meeting agenda item should be made public in advance of a meeting to provide time for staff and Council members to review the motion and to provide the public with the opportunity to provide input;
- v. Incorporating into the City's *Procedure By-law* a similar procedure to that of a Public Hearing to enable a Council member who is absent for part or all of a regular Council meeting agenda item and who wishes to vote on that agenda item to request a briefing on the proceedings and debate that they missed in the form of a verbal summary from City Clerk staff during a 10-minute recess called for that purpose; and
- vi. Incorporating into onboarding and ongoing training for Council members, including with the city's Integrity Commissioner, best practices to achieve good rule and governance, and leadership in the public interest for the city as a whole.

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