

From: "Levitt, Karen" <karen.levitt@vancouver.ca>

To: "Direct to Mayor and Council - DL"

Date: 8/2/2024 12:09:09 PM

Subject: Staff Response to Questions Concerning Potential Bylaw Code of Conduct Changes

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Dear Mayor and Council,

Councillor Fry posed the following two questions concerning Item no. 1 coming to the Special Council Meeting on August 6, 2024, "By-law Enactment - A By-law to amend the Code of Conduct By-law No. 12886 regarding independent reviews."

1. ***Q: I note on agenda page "The speaker registration is not open for this Special Council meeting" When will speaker registration open? If it is not, under what authority are public speakers being denied?***

Staff response: Part 7.1 of the [Procedure Bylaw](#) says a person may only speak to reports containing recommendations as this is a bylaw amendment, there is no associated recommendation.

2. ***Q: Notwithstanding nuances of 5.5 of The Code of Conduct by-law described below in reply to Cllr Boyle, and whether functionally suspending the integrity commissioner is limited to the "appointment" process; section 6.41 of the by-law says "No member or City employee will obstruct the Integrity Commissioner in the carrying out of the Integrity Commissioner's duties or responsibilities" - it would appear the entire intent of the special meeting to amend the by-law is to obstruct the IC carrying out their duties and responsibilities - how is this approach lawfully in order?***

Staff response: A by-law passed by Council cannot prevent Council from exercising its legislative power to enact, amend or repeal a by-law. If amending the by-law were interpreted as obstructing the Integrity Commissioner, it would lead to the absurd result that Council would be prevented from amending or repealing its own by-law.

All the best,

Karen

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Karen Levitt, Deputy City Manager (she/her)  
karen.levitt@vancouver.ca

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm/Musqueam, Skwxwú7mesh/Squamish and səliłwətał/Tsleil-Waututh nations