

**From:** "Levitt, Karen" <karen.levitt@vancouver.ca>  
**To:** "Direct to Mayor and Council - DL"  
**Date:** 8/2/2024 2:33:32 PM  
**Subject:** Staff Response to Questions Concerning Potential Bylaw Code of Conduct Changes - Follow-Up Question

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Dear Mayor and Council,

As a follow-up to my earlier email below concerning Agenda Items No. 1 on next week's Special Council Meeting agenda, Councillor Fry posed another question. The question and answer are provided here.

**Q: I have to say, this is disappointing – considering the public have had no opportunity to speak to council about the enactment to indefinitely suspend the Integrity Commissioner, and the amendment that informs this enactment was not presented for public input (or even my own for that matter, as the meeting was extended into scheduled break) I have grave misgivings about indulging this lack of transparency and accountability. In follow up – can council speak to this item, or are we expected to just show up and vote?**

Staff response:

Yes, Council may speak to this item per section 10.3 of the Procedure By-law, which reads as follows:

**By-law by separate motion**

*10.3 If a Council member, under section 10.2, has requested debate or a separate vote on a particular proposed by-law:*

- (a) the motion to enact proposed by-laws by reference to their agenda reference numbers will be deemed to exclude the particular proposed by-law;*
- (b) after the vote, under section 10.2, on the group of by-laws referred to by their agenda reference numbers, a Council member may move enactment of the particular proposed by-law; and*
- (c) Council members may debate or amend the particular proposed by-law.*

Thanks,

Karen

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Karen Levitt, Deputy City Manager (she/her)  
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**From:** Levitt, Karen  
**Sent:** Friday, August 2, 2024 12:09 PM  
**To:** Direct to Mayor and Council - DL  
**Cc:** City Manager's Correspondence Group - DL; Connell, Francie <francie.connell@vancouver.ca>; Intergovernmental Relations <IGR@vancouver.ca>  
**Subject:** Staff Response to Questions Concerning Potential Bylaw Code of Conduct Changes

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."

10/22/2024

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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