



**OMBUDSPERSON
BRITISH COLUMBIA**

March 26, 2025

Delivered by email: Ravi.Kahlon@gov.bc.ca

The Honourable Ravi Kahlon
Minister of Municipal Affairs
PO Box 9074 Stn Prov Gov
Victoria BC V8W 9E2

Dear Minister Kahlon:

Re: Local Government Integrity Commissioners

I am writing further to my November 2024 correspondence on the role of local government ethics/integrity commissioners. As I wrote in that letter, I see a pressing need for the province to introduce legislation to establish a framework for such commissioners so that their work can be carried out without the risk of interference from the councils or boards whose actions they may be investigating.

Two recent developments in Vancouver reinforce the urgency for the province to establish a legislative framework for such local oversight bodies.

Investigation Report by Vancouver Parks Board Integrity Commissioner

The February 21, 2025 investigation report by Vancouver Parks Board Integrity Commissioner Lisa Southern reaffirms this view. The commissioner's report highlights, once again, the challenges inherent in a voluntary model of oversight. Her investigation found that six of the seven parks board commissioners against whom the complaint was made had breached their open meeting obligations. Yet, because the parks board commissioners themselves are responsible for determining any sanctions for such conduct, it is not possible to impose any sanctions. It should not be the case that sanctions become impossible to impose if the impugned conduct is carried out by a majority of members.

While one might hope that this is unusual in terms of the number of commissioners whose conduct was investigated, there is no guarantee that this unfortunate circumstance will not reoccur. Fortunately this problem is eminently solvable through provincial legislation. While the question of the appropriate sanctions could normally be a matter for council or the board, the province can, through legislation, set minimum standards that allow the minister, a delegate such as the Inspector of Municipalities, or an arms-length commission to impose sanctions where council is unwilling or unable to act for any reason including that the conduct of a majority of the council is the subject of the integrity commissioners findings.

I am also deeply concerned by media statements, attributed to the Vancouver ABC party, that their commissioners intend to continue caucusing in private notwithstanding the commissioner's conclusions that doing so is in violation of open meeting laws. In my view, such statements are a disturbing repudiation of the rule of law and only emphasize the need for a legislative framework

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that, in addition to establishing the independence of integrity commissioners, allows for the imposition of sanctions.

City of Vancouver Code of Conduct By-law No. 12886 Review

Last October the City of Vancouver retained Reece Harding, an expert municipal lawyer and the former Surrey Ethics Commissioner, to review the Vancouver Integrity Commissioner's role under the relevant Vancouver City By-law. Harding submitted his 50-page report in February and it was released on March 11, 2025 ("Harding").

Harding sets out compelling arguments for provincial legislation noting that BC is out of step with other provinces in not having legislation to guide municipal codes of conduct. Instead, BC has only required councils to *consider*, after a municipal election, *whether* to adopt a code of conduct. No essential elements are required. As the Vancouver and Surrey experiences highlight, this is far too weak an approach to ensuring that oversight bodies established by by-law are not the subject of subsequent political interference through by-law amendment or political statements of disregard.

Harding points to experiences in Manitoba, Ontario and New Brunswick, all of whom have enacted provincial legislation mandating codes of conduct, their administration and enforcement.

As the UBCM/LGMA September 2024 discussion paper, *Potential for Change*, clearly noted, "British Columbia's framework is entirely unique in its treatment of codes as voluntary and at the discretion of individual local governments. In all other provinces, codes of conduct for local government elected officials are mandatory."

In your December 2024 letter to me, you noted that the ministry would be taking the findings of the UBCM report into account as it continued to examine ways to enhance the existing responsible conduct framework. While I acknowledge this work, I am concerned that the obvious gaps in the current voluntary system will only continue to erode public trust and confidence in local government. The above two reports from the City of Vancouver highlight the urgent need for legislation. I urge you to promptly bring forward legislation to ensure oversight of, and integrity by, municipal councils and their members.

Given the public nature of this matter and the resulting widespread public interest, I will be releasing this letter tomorrow.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia