



City of Port Moody

Report/Recommendation to Council

Date: September 27, 2019
Submitted by: Councillor Diana Dilworth
Subject: Mayor's Return to Duty versus Leave of Absence

Purpose

To seek Council direction with respect to the Mayor's recent return to his position at City Hall, after an extended leave of absence.

Recommended Resolution(s)

THAT until such time as the Mayor's legal issues have been resolved, that Council formally request the Mayor go back to an unpaid leave of absence;

AND THAT once his legal issues are resolved, and in the case that he is not totally exonerated, that Council formally request the Mayor's resignation.

Background

On Thursday, March 28, 2019, Mayor Vagramov's request for a paid leave of absence was approved. His request was based on time required to address a serious legal matter, involving criminal charges that would render him unavailable to fulfill the duties and responsibilities of the position of Mayor.

At a meeting of Council on May 7, 2019, the topic of the Mayor's paid leave of absence was reviewed and Council members moved to continue his paid leave status, with a commitment to review every 45 days.

On June 24, 2019, the Mayor issued a public statement advising that he was opting to no longer be receiving pay during the course of his leave.

On September 9, 2019, Mr. Vagramov returned to City Hall to resume the role of full-time, paid, Mayor of the City of Port Moody, despite the fact that his legal issues had not yet been resolved.

Discussion

The current provincial legislature governing municipal affairs, the Community Charter, has not recognized the incident of an elected official being charged or convicted of a criminal act, nor does it provide legal recourse for a local government to take a prescribed course of action in the case that an elected official is charged and/or convicted in their jurisdiction.

The onus is thus left with Mayor and/or Council to address any recourse or course of action, based on their perspectives and feedback from local residents.

I personally have documented feedback from over 200 Port Moody residents who have concerns that Mr. Vagramov is assuming the role of Mayor of the City while still under a cloud of criminal charges that have not yet been resolved. I am confident that all members of Council have heard this significant level of concern from our constituents. The Mayor's presence, as evidenced at the September 10th meeting of Council, is causing divisiveness in our community and is distracting to the serious role of governance that we were elected to fulfill.

Without provincial legislation to reference, the City of Port Moody is left with the only tool it has, the "Council Code of Conduct Bylaw" (2018). This bylaw was enacted to establish standards for the ethical conduct of members relating to their roles and obligations as representatives of the municipality and a procedure for the investigation and enforcement of those standards.

Specifically the bylaw speaks to:

"Arranging ones private affairs and conducting themselves in a manner that promotes public confidence and will bear close public scrutiny."

Our residents are making it very clear, through emails and phone calls, on social media, on the soccer field and in local commercial establishments, that they do not have confidence in the Mayor returning to his position at this time and that his behaviour does not meet their standards.

Union of BC Municipalities Take Action

Local and regional government officials recognized the critical need to have the Community Charter amended to include provisions for responding to the criminal charge and/or conviction of an elected official. A request was made to the BC Provincial Government through the following motions that were presented, and endorsed, by members of the Union of BC Municipalities at their 2018 annual convention.

B-83	Elected Official Disqualification	<p>WHEREAS there is no provision in BC legislation for disqualification from local government office, or mechanism for recall, in the event that an elected official is convicted of a serious criminal offense:</p> <p>THEREFORE it be resolved that UBCM lobby the provincial government to implement legislation to require that an elected local government official be disqualified from office upon conviction of a serious criminal offense, not including convictions related to non-violent acts of civil disobedience;</p> <p>AND THAT IT BE FURTHER RESOLVED that an elected local government official be required to take a paid leave of absence from office upon Crown approval of charges until the court process is complete.</p>
B-84	Disqualification from Holding Elected Office	<p>WHEREAS council has no authority to seek the removal of a council member who has been criminally convicted during his/her current term;</p> <p>AND WHEREAS the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, has recommended that the City of Pitt Meadows advocate through LMLGA and UBCM for appropriate changes to the government legislation for local government;</p>

		<p>AND WHEREAS the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, has advised that her Minister is prepared to work with UBCM on the issue:</p> <p>THEREFORE BE IT RESOLVED that UBCM lobby the provincial government to make whatever legislative changes are needed to:</p> <ul style="list-style-type: none"> a) Require that an elected local government official be put on unpaid leave immediately upon conviction, during his or her current term, of a serious criminal offense (to be defined by legislation), not including convictions related to non-violent acts of civil disobedience until expiration of the time to file an appeal or determination of an appeal; and b) Require that an elected local government official be disqualified from holding office upon conviction, during his or her current term, of a serious criminal offence (to be defined by legislation), not including convictions related to non-violent acts of civil disobedience upon the expiration of the time to file and appeal or determination of an appeal.
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The Ministry of Municipal Affairs and Housing responded, noting that *“they take these matters very seriously; however, it is a sensitive issue, triggering complex policy, legal and practical questions. The legislation should balance the principle that it is the elector’s choice to decide who should best represent their interests in their communities, with statutory restrictions to protect communities from candidates who are ‘unsuitable’ for public office. Ministry staff are currently reviewing potential options to address the issues raised; however, any proposed changes in this area are intricate and must be considered carefully.”* (Provincial Response to the Resolutions of the 2018 Union of BC Municipalities, Feb 2019).

Summary

It is in the spirit of the message that Council members have heard clearly from Port Moody residents regarding their significant level of concern, and the direction that UBCM has endorsed to amend the existing provincial legislation, and to remove distraction and divisiveness from our City Hall, I respectfully ask for support from my fellow members of Council for these two motions.

Other Option(s)

1. THAT the report dated September 27, 2019 from Councillor Diana Dilworth regarding be received for information.
2. THAT the recommendations presented be separated and voted on individually.

Financial Implications

If one or both of the motions recommended are adopted by Council, there may be financial implications related to remuneration for the Mayor and/or Acting Mayor.

Communications and Civic Engagement Initiatives

Based on the recommendations stated in this report, if one or both motions are adopted by Council, there may be a need for City staff to issue a public press release, advising of the adoption of the motion(s).

Council Strategic Plan Objectives

Not relevant to Council’s Strategic Plan Objectives.

Attachment(s)

1. City of Port Moody Council Code of Conduct Bylaw, 2018, No. 3164 (July 24, 2018)

Report Author

Diana Dilworth, Councillor

Report Approval Details

Document Title:	Mayor's Return to Duty versus Leave of Absence.docx
Attachments:	- BL3164 City of Port Moody Council Code of Conduct Bylaw 2018 No 3164.pdf
Final Approval Date:	Sep 30, 2019

This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer