

CITY OF VANCOUVER
BRITISH COLUMBIA



PROCEDURE BY-LAW

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BY-LAW NO. _____

**A By-law to regulate the procedures
of Council and its committees**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1
INTERPRETATION**

Name

1.1 The short title of this By-law is the "Procedure By-law".

Reference

1.2 If neither the Vancouver Charter nor this By-law answers a question about procedure, the most recent edition of Robert's Rules of Order Newly Revised will apply.

Headings

1.3 Headings in this By-law are for reference only, and are not for use in interpreting this By-law.

**SECTION 2
ORGANIZATION OF COUNCIL MEETINGS**

Regular meetings

2.1 Council must hold regular meetings on such dates and at such times and places as Council resolves.

Special meetings

2.2 Council must hold special meetings on the dates and at the times required by:

- (a) the Mayor; or
- (b) a majority of members by written notice to the City Clerk.

Nature of special meeting

2.3 Notice of a special meeting must describe briefly the nature of the business to be transacted.

Change in meeting

2.4 Council may resolve to cancel, or change the date, time, or place of, any meeting.

Notice of meeting

2.5 The City Clerk must give notice, before 12:00 noon on the day preceding each meeting, of the date, time, and place of the meeting to:

- (a) each member by personal delivery of the notice to the member's residence or place of business or, if the member so chooses, by electronic means; and
- (b) the public by posting the notice in at least two locations in City Hall at 453 West 12th Avenue, Vancouver, BC.

Appointment of Chair

2.6 The Chair at each meeting will be:

- (a) the Mayor;
- (b) in the Mayor's absence, the Deputy Mayor; or
- (c) in the Mayor's or Deputy Mayor's absence when the City Clerk calls the meeting to order, the member Council chooses, as its first item of business after roll call, to serve as the Chair for that meeting;

but, if the Deputy Mayor, in the Mayor's absence, or Mayor joins a meeting in progress, the Deputy Mayor, in the Mayor's absence, or Mayor will act as Chair for the remainder of that meeting.

SECTION 3 PROCEDURES AT COUNCIL MEETINGS

Call to order

3.1 As soon after the time a meeting is to start that a quorum is present, the Chair, or, in the Chair's absence, the City Clerk, must call the meeting to order.

Absence of quorum

3.2 If, within 30 minutes after a meeting is to start, no quorum is present, the City Clerk must read the roll, record the result in the minutes, and declare the meeting cancelled.

Order of business at regular meeting

3.3 The general order of business at each regular meeting will be:

- (a) roll call;
- (b) adoption of minutes;
- (c) report references;
- (d) unfinished business;
- (e) communications;
- (f) City Manager's reports;
- (g) other reports;
- (h) by-laws;
- (i) motions;
- (j) notices of motion;
- (k) new business;
- (l) enquiries and other matters.

Order of business at special meeting

3.4 The general order of business at each special meeting will be:

- (a) roll call; and
- (b) the special business described in the notice referred to in section 2.3.

Agenda

3.5 The agenda for each meeting must reflect the order of business set out in section 3.3 or 3.4.

Conduct of business

3.6 Council must conduct business in the order set out in the agenda except:

- (a) for appointment of a Chair under section 2.6(c); or
- (b) if Council resolves, by a 2/3 vote of members present, without debate, to change the order of business;

and, at a special meeting, must conduct only the special business described in the agenda.

Minutes

3.7 Council must approve the minutes of the previous regular meeting, and of any previous special meeting, either as circulated with the agenda or as amended by Council.

Recommendations by blanket motion

3.8 If no member requires debate on particular recommendations of the City Manager or City staff, and if Council does not decide otherwise, Council may vote on and adopt such recommendations in one motion.

Questions

3.9 At a meeting, any member may ask a question about a matter before Council or about City affairs but the member must:

- (a) not include in the question any argument or opinion or any facts except those necessary to explain the question;
- (b) address the question to the Chair or, through the Chair, to another member or to the City Manager;
- (c) not spend more than five minutes asking any question or questions; and
- (d) ask a question about a matter not then under debate only under “enquiries and other matters” in the agenda.

Answers

3.10 A person who answers a question referred to in section 3.9 must:

- (a) do so factually;
- (b) limit the answer strictly to the terms of the question; and
- (c) give an immediate oral answer to Council or, after the meeting, circulate a written answer to all members, the City Manager, and the City Clerk.

Points of order and privilege

3.11 The Chair must rule on:

- (a) each point of order, being a demand from a member to correct a breach of the rules; and
- (b) each point of privilege, being a request from a member concerning the rights and privileges of Council or its members.

Statement of rule

3.12 If a member so requests, the Chair must state the rule that applies to a point of order decided by the Chair.

Suspension of rule of order

3.13 Council, by a 2/3 vote of members present, without debate, may suspend a rule of order for the remainder of the meeting or for a stipulated portion of the meeting.

Exception to adjournment motion

3.14 If Council resolves to adjourn, the meeting will stand adjourned after Council:

- (a) resolves whether or not to consider adoption of any recommendations of the Committee of the Whole; and
- (b) resolves whether or not to consider enactment of any proposed by-laws.

Committee of the whole

3.15 Council may resolve at any time to go into committee of the whole, being a session of a regular Council meeting conducted to permit less formal debate by Council.

Committee of the whole procedures

3.16 The provisions of this By-law that apply to Council meetings will apply, with the necessary changes, to meetings of the committee of the whole except that:

- (a) a motion will not require a second;
- (b) a member may not move to adjourn; and
- (c) a member may speak on an issue any number of times but for not more than five minutes each time.

Rising and reporting

3.17 The committee of the whole, by a 2/3 vote of members present, without debate, must rise and report to Council on all recommendations and motions considered by the committee.

SECTION 4 PROTOCOL AT COUNCIL MEETINGS

Preservation of order

4.1 The Chair must preserve order at Council meetings.

Speaking

4.2 A member who wishes to speak must:

- (a) rise unless a disability prevents the member from doing so;
- (b) wait for recognition from the Chair;
- (c) address only the Chair; and
- (d) speak only to those matters referred to in and permitted by this By-law.

Speaking priority

4.3 If two or more members rise at once, the Chair must name the member who may speak first.

Chair's status in debate

4.4 The Chair:

- (a) immediately before participating in debate, must relinquish the chair to the person next entitled, under section 2.6, to assume the chair; and
- (b) may then participate in debate on the same basis as other members.

Rules of conduct

4.5 A member must:

- (a) not interrupt another member who is speaking, except to raise a point of order or point of privilege or to request a statement of the rule that applies to a point of order;
- (b) if called to order by the Chair, sit down and cease speaking;
- (c) on adjournment, remain in his or her place until the Chair leaves the chair;
- (d) not disturb, disrupt, or delay the conduct of business at a meeting;
- (e) not use unparliamentary, rude, or offensive language, or engage in unparliamentary, rude, or offensive conduct;
- (f) by words, tone, manner of speaking, or gesticulation, express any opinion or make any allegation that, directly or indirectly, reflects upon the character of any person or group of persons;
- (g) not question the motives of a member; and
- (h) not disobey a decision of the Chair or Council.

Expulsion

4.6 The Chair may expel from a meeting a member who refuses to come to order.

Return after expulsion

4.7 If an expelled member advises the Chair, through the City Clerk, that the member wishes to apologize:

- (a) the Chair must so advise Council;
- (b) Council, by a 2/3 vote of members present, without debate, may permit the member to return to the public podium;
- (c) the member must apologize immediately to Council for the conduct that caused the expulsion; and
- (d) Council, by a 2/3 vote of members present, without debate, may end the expulsion.

Entry on floor

4.8 Only members, and those persons permitted by the Chair or City Clerk to do so, may enter the Council floor during a meeting.

Food and beverage restrictions

4.9 Members and other persons must not bring food or beverages, except for beverages in cups, into the Council chamber.

SECTION 5 MOTIONS AT COUNCIL MEETINGS

Form of motion

5.1 A motion must be clear, concise, in writing, and legible.

Member's motion

5.2 Except for a motion to adjourn, reconsider, or amend a main motion on the floor, or other motion expressly permitted by this By-law, a member must not move a motion unless the member complies with section 5.3 or 5.4.

Member's motion on agenda

5.3 If a member delivers to the City Clerk a notice of motion, in both written and electronic form, that:

- (a) sets out a motion; and
- (b) stipulates the date of the regular meeting at which the member intends to move the motion;

by 5 p.m. at least two business days before the date and time of the meeting, the City Clerk must add the motion to the agenda for the meeting, and, if necessary, must circulate to members an amended agenda attaching the motion.

Member's motion as new business

5.4 If a member wishes to move a motion at a regular meeting as new business:

- (a) the member must first deliver to the City Clerk, at the meeting, a written copy of the motion;
- (b) the City Clerk must distribute a copy of the motion to each member; and
- (c) before debate begins, any member may call for notice of the motion, in which case the Chair must place the motion on the agenda for the next regular meeting.

Moving member's motion

5.5 A member who brings a motion under section 5.3 or 5.4 must not take more than one minute to move the motion, and must not recite the preamble.

Motion out of order

5.6 The Chair may refuse to state the question on a motion the Chair decides is out of order because the motion:

- (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) subject to section 5.12, conflicts with or presents substantially the same question as a motion Council has previously decided at the same meeting, or the matter is still within the control of Council because not finally disposed of;
- (d) subject to section 5.13, conflicts with a resolution previously passed and still in force;
- (e) has been referred to a committee or postponed to a later date and time;
- (f) is dilatory, incorrect, frivolous, or rude; or
- (g) fails to meet any other characteristic or condition that applies to stating a motion.

Speaking to motion

5.7 A member must not speak to a motion for more than:

- (a) five minutes; or
- (b) 10 minutes if Council resolves to permit the member one five minute extension;

and must not speak to the motion again until every other member has spoken, or has had the opportunity to speak, to it.

Reply to motion

5.8 A member who has moved a substantive motion may reply, despite section 5.7, for not more than five minutes but a member who has moved an amendment to a substantive motion may not reply.

Reading of motion

5.9 A member may require the City Clerk to read a motion under debate but, in doing so, must not interrupt another member who is speaking to the motion.

Permissible motions during debate

5.10 Once the Chair has opened debate on a motion, a member must not make any other motion except to:

- (a) adjourn the meeting;
- (b) receive the matter for information;
- (c) refer the motion;

- (d) postpone the motion to a later time or to a later date and time;
- (e) postpone the motion until after a certain event or condition occurs;
- (f) amend the motion; or
- (g) vote on the motion.

Adjournment

5.11 A motion to adjourn is always in order except that if Council defeats such a motion, a member may not move another motion to adjourn until Council has resolved at least one other item of business.

Reconsideration of the vote on a motion

5.12 Council may reconsider the vote on a motion only as follows:

- (a) the member moving to reconsider must do so at the same meeting at which Council passed or defeated the motion;
- (b) the member moving to reconsider must have voted with the majority;
- (c) the motion to reconsider requires a second;
- (d) the motion to reconsider is not amendable but is debatable if the motion was debatable;
- (e) Council must not reconsider if any person has taken action based on the motion, or if the same result is obtainable by other parliamentary means; and
- (f) Council must not reconsider the vote on a motion to reconsider an original motion; and

if Council resolves to reconsider the vote on a motion, Council must consider the motion as though Council had never voted on it.

Rescission or amendment of a resolution

5.13 Council may rescind or amend a resolution it has passed only as follows:

- (a) the member moving to rescind or amend must not do so at the same meeting at which Council passed the motion but must do so during Council's current term;
- (b) the member moving to rescind or amend must have voted with the majority;
- (c) the motion to rescind or amend requires a second;
- (d) the motion to rescind or amend is debatable and amendable;
- (e) Council must not rescind or amend a motion if any person has taken action based on it, or if the same result is obtainable by other parliamentary means; and
- (f) amending a resolution requires a 2/3 vote of members present.

Resubmission of failed motion within current term or 365 days

5.14 Council may pass a motion it has defeated within the lesser of the current term of Council or the previous 365 days only as follows:

- (a) the member moving to pass the failed motion must not do so at the same meeting at which Council defeated the motion;
- (b) the member moving to pass must have voted with the majority;
- (c) the motion to pass requires a second;
- (d) the motion to pass is debatable and amendable;
- (e) Council must not pass a failed motion if any person has taken action based on its failure, or if the same result is obtainable by other parliamentary means; and
- (f) passage of the failed motion requires the 2/3 vote of members present.

Resubmission of failed motion after current term or 365 days

5.15 Council may pass a motion it has defeated in the previous term of Council or more than 365 days ago.

SECTION 6 VOTING AT COUNCIL MEETINGS

Separate voting on issues

6.1 If a motion under debate is divisible into separate parts, a member, after the Chair has called the question, may require a separate vote on each part.

Voting on amendments

6.2 Council must vote on amendments to main motions:

- (a) in the reverse order to that in which members moved them; and
- (b) before voting on the main motion.

Limitation on amendments

6.3 During debate on a main motion, members may move only one amendment to the main motion and only one amendment to that amendment.

Call for vote

6.4 If members move and second a motion to take the vote on a motion under debate, the Chair must put the question, and Council must vote without further debate.

Voting protocol

6.5 After the Chair puts the question on a motion and until the Chair declares the result of the vote on the motion, members must:

- (a) take their seats, and remain sitting;
- (b) not discuss the motion or make another motion; and
- (c) not cause any noise or other disturbance.

Voting procedure

6.6 The Chair must:

- (a) conduct the vote by calling for those members in favour of the motion, and then by calling for those members opposed to the motion;
- (b) after taking the vote, state the names of those members opposed to the motion, and instruct the City Clerk to enter those names in the minutes; and
- (c) at the request of a member, verify the results of the vote.

Voting on sale of land

6.7 Passage of a motion to offer land owned by the City for sale or lease at less than fair market value requires the affirmative vote of at least eight members.

SECTION 7 COMMITTEES

Committee procedures

7.1 The provisions of this By-law that apply to Council meetings will apply, with the necessary changes, to committee meetings except as this Section 7 otherwise sets out.

Ex officio member of committees

7.2 The Mayor is ex officio a member of all committees, and will have the same rights and duties as other committee members.

Particulars of committees

7.3 In its resolution appointing a committee, Council may name the committee members, set out the committee's functions, and appoint a Chair.

First committee meeting

7.4 The Chair appointed by Council, or, if Council does not appoint a Chair, the person first named in Council's resolution appointing the committee, must call the first committee meeting.

Quorum at committee meetings

7.5 A majority of the persons appointed to a committee will constitute a quorum, and the Mayor, when present at the meeting, will count in determining the quorum.

Appointment of committee Chair

7.6 The Chair at each committee meeting will be:

- (a) the Chair appointed by Council;
- (b) if Council does not appoint a Chair, the Chair appointed by the committee; or
- (c) in the absence of the person referred to in section 7.6(a) or (b) when a meeting is to start, the member the committee chooses, after the City Clerk calls the meeting to order, to serve as the Chair for that meeting;

but if the person referred to in section 7.6(a) or (b) joins a meeting in progress, that person will act as Chair for the remainder of the meeting.

Council members at committee meetings

7.7 A Council member who is not a member of a committee may attend meetings of the committee and may debate motions, but must not make or second a motion or vote on any question.

City Clerk's duties re committees

7.8 The City Clerk, or a person authorized by the City Clerk, must:

- (a) record the minutes of each committee meeting and any reports to Council; and
- (b) circulate the minutes to committee members before the next meeting.

Tie vote in committee

7.9 Unless a committee consists of Council members only, the Chair of a committee that records a tie vote must refer the motion to Council for consideration.

Committee resolutions

7.10 A committee may act only by resolution but unless Council:

- (a) has expressly delegated to a committee an executive or administrative power in respect of which the committee passes a resolution; or
- (b) has expressly approved a resolution passed by a committee;

no resolution passed by a committee will bind the City.

Committee reports

7.11 Each committee must report to Council:

- (a) on all matters Council has referred to the committee including, in the case of standing committees, both affirmative and negative decisions;
- (b) where the committee requires Council's approval for a passing a specific resolution; or
- (c) where, in the committee's opinion, the City's interests so require.

Dissenting committee reports

7.12 If a committee submits a report to Council, a member of that committee may submit a dissenting report to Council.

Comment on committee reports

7.13 Unless the committee consists of Council members only, the City Manager must comment on all committee reports to Council.

SECTION 8 BY-LAWS

By-law circulation

8.1 The City Clerk must circulate each proposed by-law to each Council member before introduction of the proposed by-law at a meeting.

By-law reading

8.2 If requested by at least three members, the City Clerk must read the title and contents of a proposed by-law.

By-laws by blanket motion

8.3 If no member requires debate or a separate vote on any particular proposed by-law, the Chair may introduce any number of such proposed by-laws in one motion, and refer to them only by their agenda reference numbers.

By-law by separate motion

8.4 If a member, under section 8.3, 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 8.3, on the group of by-laws referred to by their agenda reference numbers, a member may move enactment of the particular proposed by-law; and
- (c) members may debate or amend the particular proposed by-law.

By-law signing

8.5 A motion to enact a by-law must authorize the Mayor and City Clerk, after enactment, to sign and seal the by-law.

SECTION 9 COMMUNICATIONS

Legibility of communications

9.1 Communications intended for Council must be legible and signed by the writer.

Disposition of communications

9.2 The City Clerk must deal with any communication intended for Council that meets the requirements of section 9.1 by:

- (a) placing it on a Council or committee agenda;
- (b) submitting it to Council with a report from the City Manager or other City official;
- (c) circulating it to members for information, with a note of any action taken; or
- (d) referring it to the appropriate department for action and reply.

**SECTION 10
REPEAL AND ENACTMENT**

Repeal

10.1 Council now repeals By-law No. 7253.

Enactment

10.2 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2002

Mayor

City Clerk

EXPLANATION

A By-law to regulate the procedures of Council and its committees

The attached by-law generally updates and revises the procedures followed by Council and its committees at their meetings.

Director of Legal Services
October 8, 2002