



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 16, 2008
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Meeting Date: October 28, 2008

TO: Vancouver City Council
FROM: City Clerk
SUBJECT: Procedure By-law

RECOMMENDATION

THAT Council approve the proposed Procedure By-law as set out in Appendix B of this Administrative Report;

AND THAT the Director of Legal Services be instructed to prepare a by-law for enactment substantially in the form of the by-law attached as Appendix B.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no Council policy.

PURPOSE

To obtain Council approval of a new Procedure By-law as proposed by the City Clerk.

BACKGROUND

The *Vancouver Charter*, section 164.1 requires that Council have a by-law that establishes the procedures to be followed for the conduct of its business. In addition, the by-law must establish the time and place of regular meetings of Council, require advance public notice regarding the time, place and date of Council and committee meetings, and establish procedures for giving that notice. Further, the by-law can only be altered by a by-law passed

at a regular Council meeting provided that notice is given in writing and openly announced at an earlier regular meeting.

In response to these requirements, Council has enacted a procedure by-law. The existing by-law - Procedure By-law No. 8554 - was adopted by Council in October 2002.

DISCUSSION

The existing by-law follows the principles of parliamentary procedure while remaining consistent with the requirements of the Vancouver Charter. Since its adoption, the existing procedure by-law has guided the conduct of business for two Councils. During this time, a number of questions have been raised by Council members regarding certain points of procedure and staff have observed that the conduct of council business could be enhanced through the changing of some procedures and the addition of others. The changes are to align the Procedure By-law with existing practice and principles of good governance. Some of the changes and additions are characterized as 'housekeeping' items whereas others are more substantive in nature. The proposed changes to the existing by-law are detailed in Appendix A(1) and proposed additions to the existing by-law are set out in Appendix A(2).

Changes to Existing By-law

Those changes that are considered to be of a housekeeping nature are marked as such in Appendix A(1). These changes are either minor corrections to the existing language or are expansions of the existing language to provide clarification.

Changes of a substantive nature are also reflected in Appendix A(1) as well as an explanation for each proposed substantive change. These changes pertain to the:

- Provision of notice for meetings (s. 2.5)
- Order of business for regular council meeting (s. 3.3)
- Requirement when a member calls a point of order (s. 3.12)
- Motions that are in order and the order of their precedence (s. 5.2)
- Agenda to which a member's motion is to be added once delivered to the City Clerk (s. 5.3)
- Meetings at which a member may move a motion as new business and how the motion is handled if notice is called (s. 5.4)
- Length of time that a member may speak to ask questions or debate a motion (s. 5.7)
- Procedure for rescinding a motion (s. 5.13)
- Voting requirement for motions that have failed within the lesser of the current Council term or previous 365 days
- Procedure for limiting debate and taking the vote (s. 6.4)
- Passage of a motion to offer land owned by the City for sale or lease at less than market value (s. 6.7)
- Revisions of the Committees section of the existing by-law to limit that section to procedural matters of advisory committees and remove council members from these committees (section 7)

Additions to Existing By-law

A number of additions to the existing By-law are proposed and are attached as Appendix A(2). While there are a number of additions that are of a housekeeping nature, several proposed

additions are substantive. An explanation of each addition - housekeeping and substantive - is presented in Appendix A(2).

The substantive additions to the existing By-law include establishing the:

- Times at which regular meetings (Council and Standing Committee) are to end and the voting requirement to extend such meetings (addition 2)
- The order of business for regular meetings that follow standing committee meetings (addition 3)
- The distribution of agenda packages (addition 4)
- Standing committees and their membership (addition 7)
- Order of business for standing committee meetings (addition 9)
- Existing practice related to delegations who wish to speak at a standing committee (additions 13, 14, and 15)
- Voting requirements at regular council and standing committee meetings (addition 16)
- Procedure for reports where staff are updating Council but do not require a decision by Council (addition 19)
- Procedure for withdrawing a motion that has been moved and seconded (addition 22)
- Procedure for a member to give notice of their intent to move a motion at a future meeting and the meeting at which this notice may be given (addition 23)
- Procedure for handling urgent business and defining what is urgent business (additions 24 and 25)
- Setting out rules of procedure for the conduct of business license and chauffeurs permit hearings (additions 30 - 43)

The existing by-law and the changes/additions reflected in Appendix A(1) and A(2) are captured in the proposed Procedure By-law that is attached as Appendix B. Staff are requesting that Council approve the attached by-law and instruct the Director of Legal Services to prepare a by-law for enactment substantially in the form of that by-law.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The existing procedure by-law has guided the conduct of business for two Councils. During this time, a number of questions have been raised by Council members regarding certain points of procedure and staff have observed that the conduct of council business could be enhanced through the changing of some procedures and the addition of others. Staff are proposing a number of changes and additions to the existing by-law.

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Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
1.1 The short title of this By-law is the <u>Procedure By-law</u> .		N/C
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.	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 is to apply.	Housekeeping change. Changed 'will' apply to 'is to' apply.
1.3 Headings in this By-law are for reference only, and are not for use in interpreting this By-law.	The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.	Housekeeping change.
2.1 Council must hold regular meetings on such dates and at such times and places as Council resolves.	<p>Council must hold regular meetings:</p> <ul style="list-style-type: none"> (a) on such dates and at such times and places as Council resolves; and (b) immediately after each standing committee meeting. 	<p>Housekeeping change.</p> <p>Amendment reflects the existing practice of holding a regular meeting immediately after each standing committee.</p>
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.		N/C
2.3 Notice of a special meeting must describe briefly the nature of the business to be transacted.		N/C

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>2.4 Council may resolve to cancel, or change the date, time, or place of, any meeting.</p>		<p>N/C</p>
<p>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:</p> <p>(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</p> <p>(b) the public by posting the notice in at least two locations in City Hall at 453 West 12th Avenue, Vancouver, BC.</p>	<p>The City Clerk must give notice of the date, time, and place of each regular meeting by:</p> <p>(a) posting the annual schedule of all regular meetings each year in at least two locations in City Hall at 453 West 12th Avenue, Vancouver, BC; and</p> <p>(b) making available the agenda for each meeting as set out in section ___.</p>	<p>Substantive change. The Vancouver Charter requires that the by-law establish procedures for providing public notice regarding the time, place, and date of meetings. The proposed amendment provides clarity regarding the form of this notice.</p> <p>In a separate section, the procedure for publication of the agenda for each meeting is set out. (see Appendix A(2)).</p>
<p>2.6 The Chair at each meeting will be:</p> <p>(a) the Mayor;</p> <p>(b) in the Mayor=s absence, the Deputy Mayor; or</p> <p>(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</p>		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>the Chair for that meeting;</p> <p>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.</p>		
<p>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.</p>		<p>N/C</p>
<p>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.</p>		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>3.3 The general order of business at each regular meeting will be:</p> <ul style="list-style-type: none"> (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. 	<p>The order of business at each regular meeting, except for a regular meeting that follows a standing committee meeting, is to be:</p> <ul style="list-style-type: none"> (a) roll call; (b) adoption of minutes; (c) items on consent; (d) report references; (e) unfinished business including items on the agenda of the immediately preceding: <ul style="list-style-type: none"> i) regular meeting that Council, at that meeting, did not consider or did not finish considering, and ii) standing committee meeting that the committee, at that meeting, did not finish considering; (f) communications; (g) administrative reports; (h) policy reports; (i) other reports; (j) by-laws; 	<p>Substantive change.</p> <p>The proposed change to the order of business reflects the existing order and recognizes items on consent as an item as well as administrative reports, policy reports, and other reports.</p> <p>However, it is proposed that this section apply to regular council meetings but not the regular council meeting that follows a standing committee meeting. The order of business for the regular council meeting that follows a standing committee is set out in Appendix A(2).</p> <p>In addition, staff propose to more clearly describe unfinished business for users of the by-law. The description of unfinished business reflects the existing practice.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
	(k) motions; (l) notices of motion; (m) new business; (n) enquiries and other matters.	
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.	3.4 The general order of business at each special meeting is to be: (a) roll call; and (b) the special business described in the notice referred to in section 2.3.	Housekeeping change. Wording change.
3.5 The agenda for each meeting must reflect the order of business set out in section 3.3 or 3.4.		N/C
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.		N/C
3.7 Council must approve the minutes of		

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
the previous regular meeting, and of any previous special meeting, either as circulated with the agenda or as amended by Council		N/C
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.		N/C
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.		N/C
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		N/C

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
(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.		
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.	At each meeting, the Chair must: (a) maintain order and preserve decorum; (b) call a member to order; (c) rule on each point of order and each point of privilege; (d) rule on which member has a right to speak; and (e) rule on whether or not a motion or amendment to motion is out of order.	Housekeeping change. The proposed change brings the different sections (s.3.11, 4.1 and 4.3) together for easier reference by users of the by-law.
3.12 If a member so requests, the Chair must state the rule that applies to a point of order decided by the Chair.	Any member may rise, at any time, to a point of order or point of privilege but must immediately and without debate state the rule of order being breached.	Substantive change. Amended section reflects Robert's Rules of Order. The change would require that a member state the rule of order being breached when they rise on a point of order or point of privilege.
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.		N/C
3.14 If Council resolves to adjourn, the		

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
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.		N/C
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.	Council may resolve at any time to go into committee of the whole to discuss items of business on a less formal basis.	Housekeeping change.
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.	The provisions of this By-law that apply to Council meetings apply, with the necessary changes, to meetings of committee of the whole except that: (a) a motion does not require a second; and (b) a member may not move to adjourn.	Housekeeping change. The length of time that a member may speak is proposed to be covered in the existing section 5.7.
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.		N/C
4.1 The Chair must preserve order at Council meetings.	Combined with s.4.3 and s.3.11	Housekeeping change.

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>4.2 A member who wishes to speak must:</p> <ul style="list-style-type: none"> (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. 		<p>See s. 3.11</p> <p>N/C</p>
<p>4.3 If two or more members rise at once, the Chair must name the member who may speak first.</p>	<p>Combined with s. 4.1 and s. 3.11</p>	<p>Housekeeping change.</p> <p>See s. 3.11</p>
<p>4.4 The Chair:</p> <ul style="list-style-type: none"> (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. 		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>4.5 A member must:</p> <p>(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;</p> <p>(b) if called to order by the Chair, sit down and cease speaking;</p> <p>(c) on adjournment, remain in his or her place until the Chair leaves the chair;</p> <p>(d) not disturb, disrupt, or delay the conduct of business at a meeting;</p> <p>(e) not use unparliamentary, rude, or offensive language, or engage in unparliamentary, rude, or offensive conduct;</p> <p>(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;</p> <p>(g) not question the motives of a member; and</p> <p>(h) not disobey a decision of the Chair or Council.</p>		N/C
<p>4.6 The Chair may expel from a meeting a member who refuses to come to order.</p>		N/C
<p>4.7 If an expelled member advises the Chair, through the City Clerk, that the</p>		N/C

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>member wishes to apologize:</p> <ul style="list-style-type: none"> (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. 		
<p>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.</p>		N/C
<p>4.9 Members and other persons must not bring food or beverages, except for beverages in cups, into the Council Chamber.</p>		N/C
<p>5.1 A motion must be clear, concise, in writing, and legible.</p>		N/C
<p>5.2 Except for a motion to adjourn, reconsider, or amend a main motion on the floor, or other motion expressly permitted</p>	<p>When a main motion is under debate, a member may not make another motion except for:</p>	<p>Substantive change. The proposed change combines</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>by this By-law, a member must not move a motion unless the member complies with section 5.3 or 5.4.</p>	<p>(a) a privileged motion to:</p> <ul style="list-style-type: none"> (i) fix the time to which to adjourn, (ii) adjourn the meeting, (iii) recess the meeting, or (iv) raise a point of privilege; <p>(b) a subsidiary motion to:</p> <ul style="list-style-type: none"> (i) set the motion aside temporarily, within the course of the meeting, to take up other business, (ii) call for the vote, (iii) postpone to a certain time or later date and time, (iv) postpone until after a a certain event or condition occurs, (v) refer, (vi) amend, or (vii) receive for information, and take no further action; or <p>(c) an incidental motion to:</p> <ul style="list-style-type: none"> (i) raise a point of order, (ii) appeal the decision of the chair, or (iii) suspend the rules. 	<p>the existing s.5.2 and 5.10. The intent is provide greater clarity for users of the by-law by providing more detail on the range of secondary motions that a member may make. These motions are set out in their order of precedence as defined in Robert’s Rules of Order, with privileged motions being the highest ranking and therefore being voted upon first.</p>
<p>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</p>	<p>If a member delivers to the City Clerk a notice of motion, in both written and electronic form, that:</p>	<p>Substantive change. Amended to only allow member’s motions to go on the</p>

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Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>(b) stipulates the date of the regular meeting at which the member intends to move the motion;</p> <p>on or before 5 p.m. Monday of the week preceding the week in which the meeting will occur, 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.</p>	<p>(a) sets out a motion; and (b) stipulates the date of the regular meeting at which the member intends to move the motion, which must not be a meeting that follows a standing committee meeting;</p> <p>on or before 5 p.m. Monday of the week preceding the week in which the meeting will occur, the City Clerk must add the motion to the agenda for the meeting.</p>	<p>agenda of the Tuesday afternoon Regular Council meeting. The proposed amendment is intended to allow the regular council meeting that follows a standing committee meeting to be primarily used to ratify the recommendations of the standing committee.</p>
<p>5.4 If a member wishes to move a motion at a regular meeting as new business:</p> <p>(a) the member must first deliver to the City Clerk, at the meeting, a written copy of the motion;</p> <p>(b) the City Clerk must distribute a copy of the motion to each member; and</p> <p>(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.</p>	<p>5.4 If a member wishes to move a motion at a regular meeting as new business:</p> <p>(a) the member may do so only at a regular meeting that does not follow a standing committee meeting;</p> <p>(b) the member must first deliver to the City Clerk, at the meeting, a written copy of the motion;</p> <p>(c) the City Clerk must distribute a copy of the motion to each member; and</p> <p>(d) 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.</p>	<p>Substantive change.</p> <p>The proposed change would result in member’s motions only being raised at the Tuesday afternoon Regular Council meeting. This change is based on the premise that the regular meetings that follow standing committee meetings are for the purpose to adopting the recommendations of the standing committee.</p> <p>In addition, the proposed changes to this section set out that when notice is called on a motion, that motion is to be</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
	<p>If a member calls notice of the motion:</p> <p>(a) the calling of notice is not debatable; and (b) the City Clerk must place the motion on the agenda of the next regular meeting that does not follow a standing committee meeting.</p>	<p>placed on the agenda of the next regular council meeting that does not follow a standing committee. The reason for the proposed amendment is to allow members sufficient time to review the motion and consider its content.</p>
<p>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.</p>		<p>N/C</p>
<p>5.6 The Chair may refuse to state the question on a motion the Chair decides is out of order because the motion:</p> <p>(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</p>	<p>The Chair may refuse to open a motion for debate if the Chair decides the motion is out of order because it:</p> <p>(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;</p>	<p>Housekeeping change.</p> <p>The wording is amended to provide clarity as very few people know what 'state the question' is unless they regularly refer to Robert's Rules of Order.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>inhabitants;</p> <p>(b) conflicts with a law or by-law;</p> <p>(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;</p> <p>(d) subject to section 5.13, conflicts with a resolution previously passed and still in force;</p> <p>(e) has been referred to a committee or postponed to a later date and time;</p> <p>(f) is dilatory, incorrect, frivolous, or rude; or</p> <p>(g) fails to meet any other characteristic or condition that applies to stating a motion.</p>	<p>(b) conflicts with a law or by-law;</p> <p>(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;</p> <p>(d) subject to section 5.13, conflicts with a resolution previously passed and still in force;</p> <p>(e) has been referred to a committee or postponed to a later date and time;</p> <p>(f) is dilatory, incorrect, frivolous, or rude; or</p> <p>(g) fails to meet any other characteristic or condition that applies to stating a motion.</p>	
<p>5.7 A member must not speak to a motion for more than:</p> <p>(a) five minutes; or</p> <p>(b) 10 minutes if Council resolves to permit the member one five minute extension;</p> <p>And must not speak to the motion again</p>	<p>A member must not speak to, ask a question about, or debate a motion, except for a response:</p> <p>(a) for more than five minutes, except if the members resolve to allow the member one five minute extension; or</p>	<p>Substantive change.</p> <p>This proposed change places a limit on members when asking questions or debating a motion. However, the proposed change would allow members to</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>until every other member has spoken, or has had the opportunity to speak, to it.</p>	<p>(b) a second time, except if the members resolve, by a 2/3 majority, to allow the member a second opportunity to speak.</p>	<p>continue to speak provided other members are in agreement. The reason for the limits is to allow for the efficient conduct of business.</p> <p>This is a common clause in other municipal by-laws. For example, in Toronto, members may speak once for five minutes and an additional two minutes if approved by Council.</p> <p>In Calgary, members may speak only once for five minutes (a few exceptions) on main motion and three minutes on amendments.</p> <p>In Edmonton, members may speak twice on any motion (once in debate and once to ask questions). An additional five minutes may be allowed with a 2/3 vote of members.</p>
<p>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</p>	<p>A member who has moved a main motion may reply, despite section 5.7, for not more than five minutes but a member who has moved an amendment to a main motion may not reply.</p>	<p>Housekeeping change.</p> <p>Amendment is to change 'substantive' to 'main' motion</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
amendment to a substantive motion may not reply.		as the former is not a term used in Robert’s Rules of Order.
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.		N/C
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.		Substantive change. It is proposed that this section will combined with s.5.2. See explanation under s.5.2.
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.		N/C
5.12 Council may reconsider the vote on a motion only as follows: (a) the member moving to reconsider		N/C

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>must do so at the same meeting at which Council passed or defeated the motion;</p> <p>(b) the member moving to reconsider must have voted with the majority;</p> <p>(c) the motion to reconsider requires a second;</p> <p>(d) the motion to reconsider is not amendable but is debatable if the motion was debatable;</p> <p>(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</p> <p>(f) Council must not reconsider the vote on a motion to reconsider an original motion; and</p> <p>if Council resolves to reconsider the vote on a motion, Council must consider the motion as though Council had never voted on it.</p>		
<p>5.13 Council may reconsider the rescission or amendment of a resolution it has passed only as follows:</p> <p>(a) the member moving to reconsider must not do so at the same meeting at which Council passed the motion but must do so during Council=s current term;</p>	<p>Council may rescind a motion passed at a previous meeting in the Council’s current term only as follows:</p> <p>(a) the member bringing forward the motion to rescind must have voted with the majority;</p> <p>(b) the motion to rescind requires a second;</p> <p>(c) no person may have taken action based</p>	<p>Substantive change.</p> <p>This amendment to make usage of the terms ‘reconsider’ and ‘rescind’ consistent with Robert’s Rules of Order.</p> <p>Reconsideration is the action required when in the same</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>(b) the member moving to reconsider must have voted with the majority;</p> <p>(c) the motion to reconsider requires a second;</p> <p>(d) the motion to reconsider is debatable and amendable;</p> <p>(e) Council must not reconsider a motion if any person has taken action based on it, or if the same result is obtainable by other parliamentary means; and</p> <p>(f) passage of a motion to reconsider requires the 2/3 vote of members present.</p>	<p>on the motion, or the same result must be obtainable by other parliamentary means;</p> <p>(d) the motion to rescind is debatable and amendable; and</p> <p>(g) passage of a motion to rescind requires the 2/3 vote of members present</p>	<p>meeting. However, if it is not the same meeting, the correct action is to rescind.</p> <p>Rescinding a motion requires 2/3 (VC requirement) of members present. Once the motion to rescind has passed, new motions require a simple majority. This is consistent with Robert’s Rules of Order.</p>
<p>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:</p> <p>(a) the member moving to pass the failed motion must not do so at the same meeting at which Council defeated the motion;</p> <p>(b) the member moving to pass must have voted with the majority;</p> <p>(c) the motion to pass requires a second;</p> <p>(d) the motion to pass is debatable and amendable;</p> <p>(e) Council must not pass a failed motion if any person has taken action based on its failure, or if the</p>	<p>Council may pass a motion that failed within the lesser of the current term of Council or the previous 365 days only as follows:</p> <p>(a) the member moving to pass the failed motion must not do so at the same meeting at which Council defeated the motion;</p> <p>(b) the member moving to pass must have voted with the majority;</p> <p>(c) the motion to pass requires a second;</p> <p>(d) the motion to pass is debatable and amendable;</p>	<p>Substantive change.</p> <p>A minor word change is proposed - amended ‘defeated’ to ‘failed’.</p> <p>The more substantive change is the correction of a previous oversight regarding the votes required for the passage of a failed motion. Robert’s Rules of Order states that such passage requires a simple majority and not the 2/3 vote as stated in the existing by-law.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>same result is obtainable by other parliamentary means; and</p> <p>(f) passage of the failed motion requires the 2/3 vote of members present.</p>	<p>(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</p> <p>(f) passage of the failed motion requires the majority vote of members present.</p>	
<p>5.15 Council may pass a motion it has defeated in the previous term of Council or more than 365 days ago.</p>		<p>N/C</p>
<p>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.</p>		<p>N/C</p>
<p>6.2 Council must vote on amendments to main motions:</p> <p>(a) in the reverse order to that in which members moved them; and</p> <p>(b) before voting on the main motion.</p>		<p>N/C</p>
<p>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.</p>		<p>N/C</p>
<p>6.4 If members move and second a motion to take the vote on a motion under debate, the Chair must put the question,</p>	<p>If members move and second a motion to take the vote on a motion under debate:</p>	<p>Substantive change.</p> <p>Amended to clarify intent and</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>and Council must vote without further debate.</p>	<p>(a) the Chair must put the motion to take the vote;</p> <p>(b) members must vote without further debate; and</p> <p>(c) carrying the motion requires a 2/3 vote of the members present.</p>	<p>to set out voting requirement regarding a motion to call for the vote. Calling the vote prior to completion of debate is considered to be an infringement on the individual rights of members, (Robert's Rules of Order) therefore a 2/3 vote is required.</p>
<p>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:</p> <p>(a) take their seats, and remain sitting;</p> <p>(b) not discuss the motion or make another motion; and</p> <p>(c) not cause any noise or other disturbance.</p>		<p>N/C</p>
<p>6.6 The Chair must:</p> <p>(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;</p> <p>(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</p> <p>(c) at the request of a member, verify the results of the vote.</p>		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>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</p>	<p>Delete section.</p>	<p>Substantive change.</p> <p>Several provisions of the Vancouver Charter require a 2/3 vote. Legal has advised that it is misleading to refer only to this provision. Further, it is not good statutory practice to incorporate statutory requirements in a by-law.</p>
<p>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.</p>	<p>The provisions of this By-law apply to the Council meetings will apply, with the necessary changes, to advisory committee meetings except as this section - otherwise set out.</p>	<p>Substantive change.</p> <p>It is proposed that this apply specifically to advisory committees. Under the current by-law this section applies to standing and select committees as well. This causes confusion for users of the by-law. A separate section for standing and select committees of Council is set out in Appendix A(2).</p>
<p>7.2 The Mayor is ex officio a member of all committees, and will have the same rights and duties as other committee members.</p>	<p>Delete section.</p>	<p>Substantive change.</p> <p>Council by resolution removed all council members from advisory committees. This amendment is meant to reflect the decision of Council.</p>
<p>7.3 In its resolution appointing a committee, Council may name the</p>	<p>In appointing a committee, Council may: (a) adopt terms of reference for the committee</p>	<p>Substantive change.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>committee members, set out the committee=s functions, and appoint a Chair.</p>	<p>including:</p> <ul style="list-style-type: none"> (i) the purpose of the committee, (ii) the composition of the members, (iii) the length of each member’s term, (iv) a requirement for the committee to report either to Council or to staff, (v) the frequency and scheduling of meetings, and (vi) a statement from the City Clerk identifying the staff and other resources the committee will require for support; <p>(b) name the committee members; and</p> <p>(c) appoint a Chair.</p>	<p>This amendment is meant to provide greater clarity regarding the procedure for setting up new committees.</p>
<p>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.</p>	<p>The City Clerk or a person authorized by the City Clerk must call the first committee meeting to order. If Council has not appointed a Chair, the committee members, as their first order of business after roll call, must determine by by resolution the member who is to serve as the</p>	<p>Housekeeping change.</p> <p>Amended to reflect long standing parliamentary practice.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
	Chair for that meeting.	
<p>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.</p>	<p>A majority of the persons appointed to a committee are to constitute a quorum.</p>	<p>Substantive change. Council by resolution removed all council members from advisory committees. This amendment is meant to reflect the decision of Council.</p>
<p>7.6 The Chair at each committee meeting will be:</p> <p>(a) the Chair appointed by Council;</p> <p>(b) if Council does not appoint a Chair, the Chair appointed by the committee; or</p> <p>(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;</p> <p>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.</p>	<p>The Chair at each advisory committee meeting will be:</p> <p>(a) the Chair appointed by Council;</p> <p>(b) if Council does not appoint a Chair, the Chair appointed by the committee; or</p> <p>(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;</p> <p>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.</p>	<p>Housekeeping change. Minor amendment to first sentence.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>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.</p>	<p>Any member may attend a meeting of an advisory committee but does not count for quorum, and must not debate motions, make or second a motion, or vote on any question.</p>	<p>Substantive change. This amendment is consistent with the other amendments made to this section of the by-law.</p>
<p>7.8 The City Clerk, or a person authorized by the City Clerk, must:</p> <p>(a) record the minutes of each committee meeting and any reports to Council; and</p> <p>(b) circulate the minutes to committee members before the next meeting.</p>	<p>The City Clerk or a person authorized by the City Clerk must:</p> <p>a) record the minutes of each meeting</p> <p>b) distribute the minutes prior to the meeting as which they are to be adopted.</p>	<p>Housekeeping change. Minor word change - changed 'circulate' to distribute.</p>
<p>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.</p>	<p>The Chair of a committee that records a tie vote must refer the motion to Council for consideration.</p>	<p>Housekeeping change. Amendment consistent with other amendments made to this section.</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>7.10 A committee may act only by resolution but unless Council:</p> <p>(a) has expressly delegated to a committee an executive or administrative power in respect of which the committee passes a resolution; or</p> <p>(b) has expressly approved a resolution passed by a committee;</p> <p>no resolution passed by a committee will bind the City.</p>		<p>N/C</p>
<p>7.11 Each committee must report to Council:</p> <p>(a) on all matters Council has referred to the committee including, in the case of standing committees, both affirmative and negative decisions;</p> <p>(b) where the committee requires Council=s approval for a passing a specific resolution; or</p> <p>(c) where, in the committee=s opinion, the City=s interests so require.</p>	<p>7.11 Each advisory committee of Council must report to a regular meeting of Council:</p> <p>(a) on all matters Council has referred to the committee of Council including both affirmative and negative decisions;</p> <p>(b) where the committee of Council requires Council=s approval for a passing a specific resolution; or</p> <p>(c) where, in the committee of Council=s opinion, the City=s interests so require.</p>	<p>Housekeeping change.</p> <p>Removed reference to standing committees.</p>
<p>7.12 If a committee submits a report to Council, a member of that committee may submit a dissenting report to Council.</p>		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
7.13 Unless the committee consists of Council members only, the City Manager must comment on all committee reports to Council.	The City Manager must comment on all advisory committee reports to Council.	Housekeeping change. Amended to remove reference to council members.
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.	The City Clerk must make available to each member each proposed by-law listed on the agenda for a Council meeting.	Housekeeping change. Amended to reflect current practice.
8.2 If requested by at least three members, the City Clerk must read the title and contents of a proposed by-law.		N/C
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.		N/C
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;		N/C

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
<p>(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</p> <p>(c) members may debate or amend the particular proposed by-law.</p>		
<p>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.</p>		<p>N/C</p>
<p>9.1 Communications intended for Council must be legible and signed by the writer.</p>	<p>Correspondence intended for Council must be legible and signed by the writer.</p>	<p>Housekeeping change.</p> <p>Changed communications to correspondence as is confusing given order of business item called 'Communications'.</p>
<p>9.2 The City Clerk must deal with any communication intended for Council that meets the requirements of section 9.1 by:</p> <p>(a) placing it on a Council or committee agenda;</p> <p>(b) submitting it to Council with a report from the City Manager or other City official;</p> <p>(c) circulating it to members for information, with a note of any action taken; or</p>		<p>N/C</p>

Proposed Changes to Existing Procedure By-law

Existing Procedure Bylaw	Proposed Changes	Explanatory Notes
(d) referring it to the appropriate department for action and reply.		
10.1 Council now repeals By-law No. 7253.	Council now repeals By-law No. 8554.	

Proposed Additions to the Procedure By-law

Addition Number	Proposed Additions	Explanatory Notes
1.	<p>In this By-law:</p> <p>“advisory committee” means a committee of persons appointed by Council, who are not Council members or staff members, to advise Council, staff, or the Mayor;</p> <p>“hearing” means a hearing under section 275 or 278 of the Vancouver Charter or an appeal under section 277 of the Vancouver Charter or section 36(7) of the Motor Vehicle Act;</p> <p>“interested person” means a person who has a right to a hearing with regard to:</p> <ul style="list-style-type: none"> (a) the refusal of that person’s application for a business license under the License By-law or a chauffeur’s permit or vehicle for hire license under the Vehicles for Hire By-law, or (b) the suspension, revocation, or cancellation of that person’s business license, chauffeur’s permit, or vehicle for hire license; <p>“public delegation” means a member of the public or representative of an organization who addresses Council, a standing committee, a public hearing, or a court of revision about a specific item on the agenda of a meeting; and</p> <p>“section 277.1 delegation” means one or more Council members appointed by Council, under section 277.1 of the Vancouver Charter, as delegates to hold a hearing.</p>	<p>Housekeeping change.</p> <p>The inclusion of definitions is recommended by staff.</p>

Proposed Additions to the Procedure By-law

<p>2.</p>	<p>Each regular meeting:</p> <ul style="list-style-type: none"> (a) in the morning must recess or adjourn at noon whether or not the order of business is complete, unless 2/3 of the Council members present pass a motion to extend the meeting by one hour or less; (b) in the morning must adjourn not later than 1:00 p.m. if an afternoon regular meeting is to follow; (c) in the afternoon must recess or adjourn at 6:00 p.m. whether or not the order of business is complete, unless 2/3 of the Council members present pass a resolution to extend the meeting by one hour or less; (d) in the afternoon must adjourn not later than 7:00 p.m. if an evening regular meeting is to follow; and (e) must adjourn by 10:00 p.m., unless the Council members present unanimously pass a resolution to extend the meeting by one hour or less. 	<p>Substantive change.</p> <p>Council has been recessing or adjourning generally in accordance with the times proposed. However, when the items of business of a morning meeting are not completed, Council has on occasion continued the meeting in the afternoon, thereby delaying the consideration of the afternoon meeting items of business. This practice often leaves delegations waiting to be heard. This proposed change - in tandem with the proposed addition of the order of business for standing committee - is meant to address this issue.</p> <p>Staff are additionally proposing that Council adopt the voting requirements for extending meetings. The requirement is consistent with Robert's Rules of Order. A more stringent voting requirement is proposed for extending meetings past 10 p.m.</p>
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Proposed Additions to the Procedure By-law

<p>3.</p>	<p>The order of business at each regular meeting that follows a standing committee meeting is to be:</p> <ul style="list-style-type: none"> (a) roll call; (b) report of the standing committee; (c) unfinished business; (d) urgent business; (e) by-laws; <p>and Council is to consider no other business unless the members present pass an unanimous motion consenting to it.</p>	<p>Substantive change.</p> <p>The order of business for regular council meeting following a standing committee is not presently set out in the procedure by-law and, therefore, the regular council meeting order of business holds. Staff are proposing that the order of business reflect the primary purpose for holding the regular meeting that follows standing committee which is to make actionable the recommendations of the standing committee by way of a resolution of Council at a regular meeting.</p> <p>Motions, unless urgent, would not be considered at this meeting. This change would eliminate motions being raised under as new business in a morning meeting (for example), having notice called and then added to the afternoon agenda of the regular meeting that follows the afternoon standing committee meeting. This would provide members time to review and consider the motion.</p> <p>Motions, unless urgent, would not be dealt with at these regular meetings.</p>
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Proposed Additions to the Procedure By-law

<p>4.</p>	<p>The City Clerk must:</p> <p>(a) deliver a copy of the agenda for each meeting to each member at his or her office at City Hall no later than noon on the day preceding the regular meeting; and</p> <p>(b) make a copy of the agenda for each meeting available to the public at City Hall in advance of the meeting.</p>	<p>Substantive change.</p> <p>The existing by-law is silent on the distribution of agenda packages. This addition reflects current practice.</p> <p>In the existing by-law, the City Clerk must only provide notice of the meeting no later than noon on day preceding.</p>
<p>5.</p>	<p>An agenda constitutes notice of all business included in that agenda which Council is to conduct at the meeting, and adoption of the agenda at such meeting is not necessary.</p>	<p>Housekeeping change.</p> <p>The existing by-law is silent on this but this section represents the long standing past practice. Technically, without including this section, the agenda should be adopted at the meeting. This would create uncertainty for the public as to what is and is not on the agenda.</p>

Proposed Additions to the Procedure By-law

<p>6.</p>	<p>The provisions of this By-law that apply to Council meetings are to apply, with the necessary changes, to meetings of standing committees, select committees, and committees composed entirely of Council members acting in that capacity, except as this Section 7 otherwise sets out.</p>	<p>Housekeeping change.</p> <p>The new proposed by-law includes a separate section on the rules of procedure for standing committees. At present, the rules are set out in a 'Committee Meetings' section. This section includes advisory committees and standing committee. The separation is for clarity.</p>
<p>7.</p>	<p>Standing committees, generally established by Council at its first meeting, include City Services and Budgets, Planning and Environment, and Transportation and Traffic, and generally consist of all members.</p>	<p>Substantive change.</p> <p>This proposed addition would eliminate the need to have Council establish each committee and its membership.</p>
<p>8.</p>	<p>The Chair at each meeting of a standing committee is to be:</p> <p>a) a member of that committee appointed by Council annually to be the Chair; or</p> <p>b) in the Chair's absence, a member of that committee appointed by Council annually as the vice-chair;</p> <p>but in the Chair=s or Vice-Chair=s absence when the City Clerk calls the meeting to order, the standing committee may choose a member of that committee to serve as the Chair , as its first item of business after roll call.</p>	<p>Housekeeping change.</p> <p>This is a companion addition to the above proposed change. This is the existing practice.</p>

Proposed Additions to the Procedure By-law

<p>9.</p>	<p>The order of business at each standing committee meeting is to be:</p> <ul style="list-style-type: none"> (a) roll call; (b) adoption of minutes; (c) items on consent; (d) reports including items on the agenda of the immediately preceding standing committee meeting of the same name that the committee, at that meeting, did not consider unless: <ul style="list-style-type: none"> (i) Council specifies otherwise, or (ii) the City Manager adds such items to the agenda of a meeting of another standing committee that is to take place in the same week as the next meeting of the standing committee that would otherwise consider such items. 	<p>Substantive change.</p> <p>The order of business for standing committee is not defined in the current by-law. The order of business reflects the existing practice.</p> <p>In addition to the order of business, staff are proposing that the existing practice for considering reports be reflected in the proposed by-law. The addition provides clarity for users of the by-law.</p>
<p>10.</p>	<p>At a standing committee meeting:</p> <ul style="list-style-type: none"> (a) a motion does not require a second; and (b) a member does not need to rise to speak. 	<p>Housekeeping change.</p> <p>Staff are proposing that the rules of procedure for standing and select committees be separate from those of advisory committees. This section exists within the existing procedure by-law is for the combined group rather than for standing committees specifically. The addition would clarify the procedure for users of the by-law such as members, staff, and some members of the public.</p>

Proposed Additions to the Procedure By-law

11.	A resolution passed at a standing committee meeting is not binding.	Housekeeping change. The change allows for the separation of standing/select committees from advisory committees.
12.	Each standing committee is to report to Council on all matters resolved including both the affirmative and negative decisions.	Housekeeping change. As per above.
13.	A delegation must not speak at a standing committee meeting unless, prior to the meeting, the delegation has requested and obtained permission to speak from the City Clerk about any item on the agenda.	Substantive change. It is the City's long standing practice to allow delegations to address the standing committee on any item on the agenda. The proposed change recognizes this procedure.
14.	A delegation must not speak to the standing committee for more than five minutes nor more than once.	Substantive change. It is existing practice to allow each delegation up to five minutes to speak.
15.	A question posed to a delegation or to staff by a member of the standing committee and the answer given must not exceed five minutes in aggregate.	Substantive change. This is existing practice but is added for user clarity.

Proposed Additions to the Procedure By-law

<p>16.</p>	<p>Unless the Vancouver Charter or a by-law otherwise requires, carrying of the vote requires the affirmative vote of the majority of the Council members present at the meeting.</p>	<p>Substantive change.</p> <p>This addition is meant to provide consistency in voting protocol in standing committee and regular council. With this addition, if the Vancouver Charter states that a 2/3 affirmative vote of Council is required to pass a motion, that requirement would apply to standing committees as well.</p>
<p>17.</p>	<p>Unless this By-law otherwise provides, consideration of a motion first requires a member, other than the member who brought the motion, to second it.</p>	<p>Housekeeping change.</p> <p>This is the existing practice at council meetings. It is consistent with Robert's Rules of Order.</p>
<p>18.</p>	<p>A recommendation in a report does not constitute a main motion unless a member moves the motion.</p>	<p>Housekeeping change.</p> <p>Added for user clarity.</p>
<p>19.</p>	<p>If the recommendation in a report is to 'receive for information', no vote is necessary unless a member moves a main motion in its place.</p>	<p>Substantive change.</p> <p>This is a proposed new procedure that is consistent with Robert's Rules of Order. If staff wish to bring a matter before Council but do not feel action by Council is needed, staff may recommend that the report be received for information. Council does not need to vote to receive the report for information as they have already received it.</p>

Proposed Additions to the Procedure By-law

20.	A Council member may make a main motion only when no business is pending.	Housekeeping change. Consistent with Robert's Rules of Order.
21.	The Chair must take up immediately an incidental motion raised by a member.	Housekeeping change. This is existing practice and standard parliamentary procedure. Staff are proposing its inclusion for clarity.
22.	Once the moving and seconding, and stating, of a motion has occurred, only the mover may withdraw the motion and then only with the unanimous consent of the members present.	Substantive change. The existing by-law is silent on this matter therefore the City Clerk refers to Robert's Rules of Order. The addition is for reasons of clarity.
23.	<p>If a member wishes to give notice at a regular meeting of his or her intention to move a motion at a future regular meeting:</p> <p>(a) the member may do so only at a regular meeting that does not follow a standing committee meeting;</p> <p>(b) the member must first deliver to the City Clerk a written copy of the motion; and</p> <p>(c) the City Clerk must distribute a copy of the motion to each member.</p>	<p>Substantive change.</p> <p>This addition limits members to giving notice of their intention to move a motion at the Tuesday afternoon Regular Council meeting.</p> <p>This addition is a companion change to the change related to the order of business for regular council meetings.</p>

Proposed Additions to the Procedure By-law

24.	Despite section ____, a member may move a motion at a regular meeting that follows a standing committee meeting as business that requires the urgent attention of Council in connection with public health or safety or a financial or legal matter of significance to the city.	Substantive change. This is a companion change to the proposed order of business for the regular meeting following standing committee. This section provides Council with a process by which a member may bring urgent business before Council.
25.	If the Chair does not rule as urgent a motion moved under section __, the City Clerk must place the motion on the agenda of the next regular meeting that does not follow a standing committee meeting.	Substantive change. See the above explanation.
26.	Unless the Vancouver Charter or a by-law otherwise specifies, carrying of the vote requires the affirmative vote of the majority of members present.	Housekeeping change. This is the existing practice.
27.	The term of each advisory committee appointed by Council is to end on the first Monday following December 1 in the year of a general local election.	Housekeeping change. This addition is consistent with the Vancouver Charter and is added for clarity.
28.	The provisions of this By-law that apply to Council meetings will apply, with the necessary changes, to advisory committee meetings except as this Section otherwise set out.	Housekeeping change.

Proposed Additions to the Procedure By-law

<p>29.</p>	<p>Boards, commissions, and other bodies established or authorized under the Vancouver Charter may adopt all or any of the provisions of this By-law.</p>	<p>Housekeeping change. This addition recognizes the authority of boards, commissions, and other bodies to establish rules of procedures.</p>
<p>30.</p>	<p>In this Section --: "delegation" means one or more Council members appointed by Council, under section 277.1 of the Vancouver Charter, as delegates to hold a hearing; "hearing" means a hearing under section 275 or 278 of the Vancouver Charter or an appeal under section 277 of the Vancouver Charter or section 36(7) of the Motor Vehicle Act; and "interested person" means a person who has a right to a hearing with regard to: (a) the refusal of that person's application for a business license under the License By-law or a chauffeur's permit or vehicle for hire license under the Vehicles for Hire By-law, or (b) the suspension, revocation, or cancellation of that person's business license, chauffeur's permit, or vehicle for hire license.</p>	<p>Housekeeping change. Provides clarification of Vancouver Charter.</p>

Proposed Additions to the Procedure By-law

<p>31.</p>	<p>An interested person who wants a hearing by way of appeal must:</p> <ul style="list-style-type: none"> (a) submit to the City Clerk, within 10 days after the date of the suspension or revocation of the business license, or refusal, suspension or cancellation of the chauffeur’s permit, notice in writing of the person’s intention to appeal; and (b) state concisely, in the notice, the grounds upon which the interested person is basing the appeal. 	<p>Substantive change.</p> <p>The addition is to ensure that appeals are heard expeditiously. In addition, the notice allows all participants - including the delegation to be informed.</p>
<p>32.</p>	<p>At least 14 days before the date of a hearing, the City Clerk must give written notice of the date, time, and place of the hearing to the interested person:</p> <ul style="list-style-type: none"> (a) by mailing it by registered post to the address set out in the most recent application for the business license or chauffeur’s permit; (b) by handing it to the interested person; or (c) if the interested person is a corporation, by mailing it by registered post to the registered office of the corporation. 	<p>Substantive change.</p> <p>There is no specific date by which notice is given. This procedure is to allow sufficient notice to the interested person.</p>
<p>33.</p>	<p>An interested person must submit a request to the City Clerk for an interpreter to attend the hearing at least seven days before the date of the hearing.</p>	<p>Substantive change.</p> <p>There is no time requirement. This addition would ensure that the services of an interpreter can be obtained and that such requests are not made at the hearing.</p>

Proposed Additions to the Procedure By-law

34.	A delegation comes into existence on the date, and at the time of commencement, of the hearing as stipulated in the resolution of Council delegating the holding of the hearing to the Council members comprising the delegation.	Housekeeping change. Existing practice but added for clarification.
35.	The quorum for a delegation is three.	Housekeeping change.
36.	As soon after the time a meeting is to start that a quorum is present, the Chair of Council or the delegation, or, in the Chair's absence, the City Clerk, must call the meeting to order.	Housekeeping change. This is consistent with the requirement for other meetings of Council.
37.	If, within 30 minutes after a hearing is to start, no quorum of Council or the delegation is present, the City Clerk must read the roll, record the result in the minutes, and declare the meeting cancelled.	Housekeeping change. This is consistent with the requirement for other meetings.
38.	Council or the delegation must hear any applications related to the conduct of the hearing immediately after the roll call for the hearing.	Substantive change. This practice does not currently exist - no specific procedure is in place which causes confusion and frustration for those involved. The addition is to provide for a reasonable application procedure.
39.	At the hearing, Council or the delegation must afford the opportunity to be heard to the interested person.	Housekeeping change. This is existing practice.

Proposed Additions to the Procedure By-law

40.	If an interested person fails to appear at a hearing by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 10.3, Council or the delegation may treat the appeal as abandoned by the interested person.	Housekeeping change. This is existing practice.
41.	If an interested person fails to appear at a hearing other than by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 10.3, Council or the delegation may proceed with the hearing in the absence of the interested person.	Housekeeping change. This is existing practice.
42.	The City Clerk must make an audio recording of the hearing, and preserve it for two years after the hearing.	Appeal of decision is made by way of judicial review. There is no time limitation for the holding of a review. The two year requirement is thought to be a reasonable amount of time to hold the recordings in case there is a judicial review.
43.	Subject to section 277.1(4) of the Vancouver Charter at the conclusion of a hearing, Council or the delegation may render its decision, or may adjourn the hearing and set a date, time, and place to re-convene the hearing in order to render the decision.	Housekeeping change. This is existing practice.

CITY OF VANCOUVER
BRITISH COLUMBIA



PROCEDURE BY-LAW NO. _____

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BY-LAW NO. _____

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

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

SECTION 1
INTERPRETATION

Name of By-law

1.1 The name of this By-law, for citation, is the "Procedure By-law".

Definitions

1.2 In this By-law:

"advisory committee" means a committee of persons appointed by Council, who are not Council members or staff members, to advise Council, staff, or the Mayor;

"hearing" means a hearing under section 275 or 278 of the Vancouver Charter or an appeal under section 277 of the Vancouver Charter or section 36(7) of the Motor Vehicle Act;

"interested person" means a person who has a right to a hearing with regard to:

- (a) the refusal of that person's application for a business license under the License By-law or a chauffeur's permit or vehicle for hire license under the Vehicles for Hire By-law, or
- (b) the suspension, revocation, or cancellation of that person's business license, chauffeur's permit, or vehicle for hire license;

"public delegation" means a member of the public or representative of an organization who addresses Council, a standing committee, a public hearing, or a court of revision about a specific item on the agenda of a meeting; and

"section 277.1 delegation" means one or more Council members appointed by Council, under section 277.1 of the Vancouver Charter, as delegates to hold a hearing.

Reference

1.3 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 is to apply.

Table of contents

1.4 The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

Severability

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law and is not to affect the balance of this By-law.

SECTION 2 COUNCIL MEETINGS

Regular meetings

2.1 Council must hold regular meetings:

- (a) on such dates and at such times and places as Council resolves; and
- (b) immediately after each standing committee meeting.

First regular meeting

2.2 Council, at its first regular meeting, may establish standing committees for City Services and Budgets, Planning and Environment, and Transportation and Traffic, which generally consist of all Council members.

Recess or adjournment of regular meeting

2.3 Each regular meeting:

- (a) in the morning must recess or adjourn at noon whether or not the order of business is complete, unless 2/3 of the Council members present pass a motion to extend the meeting by one hour or less;
- (b) in the morning must adjourn not later than 1:00 p.m. if an afternoon regular meeting is to follow;
- (c) in the afternoon must recess or adjourn at 6:00 p.m. whether or not the order of business is complete, unless 2/3 of the Council members present pass a resolution to extend the meeting by one hour or less;
- (d) in the afternoon must adjourn not later than 7:00 p.m. if an evening regular meeting is to follow; and
- (e) must adjourn by 10:00 p.m., unless the Council members present unanimously pass a resolution to extend the meeting by one hour or less.

Special meetings

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

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

Nature of special meetings

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

Change in meeting

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

Notice of meeting

2.7 The City Clerk must give notice of the date, time, and place of each regular meeting by:

- (a) posting the annual schedule of all regular meetings each year in at least two locations in City Hall at 453 West 12th Avenue, Vancouver, BC; and
- (b) making available the agenda for each meeting as set out in section 3.3.

SECTION 3 AGENDA AND ORDER OF BUSINESS

Purpose of agenda

3.1 An agenda constitutes notice of all business included in that agenda which Council is to conduct at the meeting to which the agenda refers, and adoption of the agenda at such meeting is not necessary.

Contents of agenda

3.2 The agenda for each meeting must reflect the order of business set out in section 3.5, 3.6, or 3.7.

Publication of agenda

3.3 The City Clerk must:

- (a) deliver a copy of the agenda for each meeting to each Council member at his or her office at City Hall no later than noon on the day preceding the regular meeting; and

- (b) make a copy of the agenda for each meeting available to the public at City Hall in advance of the meeting.

Conduct of business

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

- (a) for appointment of a Chair under section 4.1(c); or
- (b) if Council resolves, by a 2/3 vote of Council 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.

Order of business at regular meeting

3.5 The order of business at each regular meeting, except for a regular meeting that follows a standing committee meeting, is to be:

- (a) roll call;
- (b) adoption of minutes;
- (c) items on consent;
- (d) report references;
- (e) unfinished business including items on the agenda of the immediately preceding:
 - (i) regular meeting that Council, at that meeting, did not consider or did not finish considering, and
 - (ii) standing committee meeting that the committee, at that meeting, did not finish considering;
- (f) communications;
- (g) administrative reports;
- (h) policy reports;
- (i) other reports;
- (j) by-laws;
- (k) motions;
- (l) notices of motion;

- (m) new business;
- (n) enquiries and other matters to give Council members the opportunity to ask questions about items not under debate, and to request information in the form of information memos from the City Manager.

Order of business at regular meeting following standing committee meeting

3.6 The order of business at each regular meeting that follows a standing committee meeting, is to be:

- (a) roll call;
- (b) report of the standing committee;
- (c) unfinished business;
- (d) urgent business;
- (e) by-laws.

Order of business at special meeting

3.7 The general order of business at each special meeting is to be:

- (a) roll call; and
- (b) the special business described in the notice referred to in section 2.5.

SECTION 4 CHAIR

Appointment of Chair

4.1 The Chair at each meeting is to 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 Council 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 is to act as Chair for the remainder of that meeting.

Points of order and privilege

4.2 At each meeting, the Chair must:

- (a) maintain order and preserve decorum;
- (b) call a Council member to order;
- (c) rule on each point of order and each point of privilege;
- (d) rule on which Council member has a right to speak; and
- (e) rule on whether or not a motion or amendment to motion is out of order.

Motion out of order

4.3 The Chair may refuse to open a motion for debate if the Chair decides the motion is out of order because it:

- (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 9.8, 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 9.9, 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;

but, in doing so, the Chair must explain the application of the rules of procedure.

Statement of rule

4.4 Any Council member may rise, at any time, to a point of order or point of privilege but must immediately and without debate state the rule of order being breached.

Chair's status in debate

4.5 The Chair:

- (a) immediately before participating in debate, must relinquish the chair to the person next entitled, under section 4.1, to assume the chair; and

- (b) may then participate in debate on the same basis, and subject to the same rights and restrictions, as other Council members.

Expulsion

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

Return after expulsion

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

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

SECTION 5 CONDUCT OF MEMBERS

Speaking

5.1 A Council member who wishes to speak must:

- (a) rise unless a disability prevents the Council 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.

Rules of conduct

5.2 A Council member must:

- (a) not interrupt another Council 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) not, 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 Council member; and
- (h) not disobey a decision of the Chair or Council.

Food and beverage restrictions

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

SECTION 6 MEETING PROCEDURES

Entry on floor

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

Call to order

6.2 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

6.3 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.

Minutes

6.4 At each regular meeting, 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

6.5 If no Council 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

6.6 At a meeting, any Council member may ask a question about a matter before Council, except in the case of a special meeting, or about City affairs but the Council 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 Council 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

6.7 A person who answers a question referred to in section 6.6 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 Council members, the City Manager, and the City Clerk.

Suspension of rule of order

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

Adjournment

6.9 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.

**SECTION 7
COMMITTEE OF THE WHOLE**

Committee of the whole

7.1 Council may resolve at any time to go into committee of the whole to discuss items of business on a less formal basis.

Committee of the whole procedures

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

- (a) a motion does not require a second; and
- (b) a Council member may not move to adjourn.

Rising and reporting

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

**SECTION 8
REPORTS TO COUNCIL**

Recommendation in report not a motion

8.1 A recommendation in a report does not constitute a main motion unless a Council member moves the motion.

Report received for information

8.2 If the recommendation in a report is to "receive for information", no vote is necessary unless a Council member moves a main motion in its place.

**SECTION 9
MOTIONS AT COUNCIL MEETINGS**

Form of motion

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

Main motion

9.2 A Council member may make a main motion only when no business is pending.

Seconding a motion

9.3 Unless this By-law otherwise provides, consideration of a motion first requires a Council member, other than the Council member who brought the motion, to second it.

Withdrawal of motion

9.4 Once Council members have moved and seconded a motion, and the Chair has stated the motion, only the Council member who moved the motion may withdraw it, and then only with the unanimous consent of Council members present.

Council member's motion restricted while main motion under debate

9.5 When a main motion is under debate, a Council member may not make another motion except for:

- (a) a privileged motion to:
 - (i) fix the time to which to adjourn,
 - (ii) adjourn the meeting,
 - (iii) recess the meeting, or
 - (iv) raise a point of privilege;
- (b) a subsidiary motion to:
 - (i) set the motion aside temporarily, within the course of the meeting, to take up other business,
 - (ii) call for the vote,
 - (iii) postpone to a certain time or later date and time,
 - (iv) postpone until after a certain event or condition occurs,
 - (v) refer,
 - (vi) amend, or
 - (vii) receive for information, and take no further action; or
- (c) an incidental motion to:
 - (i) raise a point of order,
 - (ii) appeal the decision of the chair, or
 - (iii) suspend the rules.

Raising of incidental motion

9.6 The Chair must take up immediately an incidental motion raised by a member.

Adjournment

9.7 A motion to adjourn is always in order except that if Council defeats such a motion, a Council 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 at same meeting

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

- (a) the Council member moving to reconsider must do so at the same meeting at which Council passed or defeated the motion;
- (b) the Council 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 of resolution at subsequent meeting

9.9 Council may rescind a motion passed at a previous meeting in the Council's current term only as follows:

- (a) the Council member bringing forward the motion to rescind must have voted with the majority;
- (b) the motion to rescind requires a second;
- (c) no person may have taken action based on the motion, or the same result must be obtainable by other parliamentary means;
- (d) the motion to rescind is debatable and amendable; and
- (e) passage of a motion to rescind requires the 2/3 vote of Council members present.

Reconsideration of failed motion in previous 365 days of current term

9.10 Council may pass a motion that failed within the lesser of the current term of Council or the previous 365 days only as follows:

- (a) the Council member moving to pass the failed motion must not do so at the same meeting at which Council defeated the motion;
- (b) the Council 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 majority vote of Council members present.

Resubmission of failed motion after current term or 365 days

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

SECTION 10 MEMBERS' MOTIONS

Council member's notice of motion for future meeting

10.1 If a Council member wishes to move a motion at a future regular meeting:

- (a) the Council member must deliver a notice of motion, in written and electronic format, to the City Clerk;
- (b) the notice of motion must set out the motion;
- (c) the notice of motion must stipulate the date of the regular meeting at which the Council member intends to move the motion, which must not be a meeting that follows a standing committee meeting; and
- (d) on or before 5 p.m. Monday of the week preceding the week in which the meeting will occur, the City Clerk must add the motion to the agenda for the meeting.

Council member's notice of motion at meeting for future meeting

10.2 If a Council member wishes to give notice, at a regular meeting, of his or her intention to move a motion at a future regular meeting:

- (a) the Council member must first deliver to the City Clerk, at the meeting, a written notice of motion;
- (b) the notice of motion must set out the motion;
- (c) the notice of motion must stipulate the date of the regular meeting at which the Council member intends to move the motion, which must not be a meeting that follows a standing committee meeting;
- (d) the City Clerk must distribute a copy of the notice of motion to each Council member; and
- (e) the City Clerk must add the motion to the agenda for the regular meeting as indicated in section 10.2(c).

Council member's motion as new business

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

- (a) the Council member may do so only at a regular meeting that does not follow a standing committee meeting;
- (b) the Council member must first deliver to the City Clerk, at the meeting, a written copy of the motion;
- (c) the City Clerk must distribute a copy of the motion to each Council member; and
- (d) before debate begins, any Council member may call for notice of the motion, in which case:
 - (i) the calling of the notice is not debatable, and
 - (ii) the Chair must place the motion on the agenda for the next regular meeting.

Council member's motion urgent

10.4 Despite section 10.3, a Council member may move a motion at a regular meeting that follows a standing committee meeting as business that requires the urgent attention of Council in connection with public health or safety or a financial or legal matter of significance to the city.

Chair's ruling on urgent motion

- 10.5 If the Chair rules that a motion referred to in section 10.4 is:
- (a) urgent, Council must deal with the motion at the same meeting;
 - (b) not urgent, section 10.1 applies.

Moving Council member's motion

10.6 A Council member who brings a motion under this Section 10 must not take more than one minute to move the motion, and must not recite the preamble.

SECTION 11 DEBATE ON MOTION

Speaking to motion

- 11.1 A Council member must not speak to, ask a question about, or debate a motion, except for a response:
- (a) for more than five minutes, except if the Council members resolve to allow the Council member one five minute extension; or
 - (b) a second time, except if the Council members resolve, by a 2/3 majority, to allow the Council member a second opportunity to speak.

Reply to motion

11.2 A Council member who has moved a main motion may reply, despite section 11.1, for not more than five minutes but a Council member who has moved an amendment to a main motion may not reply.

Reading of motion

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

SECTION 12 VOTING AT COUNCIL MEETINGS

Separate voting on issues

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

Voting on amendments

12.2 Council must vote on amendments to main motions:

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

Limitation on amendments

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

Call for vote

12.4 If Council members move and second a motion to take the vote on a motion under debate:

- (a) the Chair must put the motion to take the vote;
- (b) Council members must vote without further debate; and
- (c) carrying the motion requires a 2/3 vote of the Council members present.

Voting protocol

12.5 After the Chair puts the question on a motion and until the Chair declares the result of the vote on the motion, Council 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

12.6 The Chair must:

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

Carrying of the vote

12.7 Unless the Vancouver Charter or a by-law otherwise requires, carrying of the vote requires the affirmative vote of the majority of the Council members present at the meeting.

**SECTION 13
STANDING COMMITTEES, SELECT COMMITTEES AND
COMMITTEES COMPOSED ENTIRELY OF COUNCIL MEMBERS**

Standing, select, and Council committee procedures

13.1 The provisions of this By-law are to apply, with the necessary changes, to standing committees, select committees, and committees composed entirely of Council members acting in that capacity, except as this Section 13 otherwise sets out.

Standing committee Chair

13.2 The Chair at each meeting of a standing committee is to be:

- (a) a member of that committee appointed by Council annually to be the Chair; or
- (b) in the Chair's absence, a member of that committee appointed by Council annually as the vice-chair;

but in the Chair's or Vice-Chair's absence when the City Clerk calls the meeting to order, the standing committee may choose a member of that committee to serve as the Chair, as its first item of business after roll call.

Order of business at standing committee meeting

13.3 The order of business at each standing committee meeting is to be:

- (a) roll call;
- (b) adoption of minutes;
- (c) items on consent;
- (d) reports including items on the agenda of the immediately preceding standing committee meeting of the same name that the committee, at that meeting, did not consider unless:
 - (i) Council specifies otherwise, or
 - (ii) the City Manager adds such items to the agenda of a meeting of another standing committee that is to take place in the same week as the next meeting of the standing committee that would otherwise consider such items.

Motion at standing committee

13.4 At a standing committee meeting:

- (a) a motion does not require a second; and
- (b) a member does not need to rise to speak.

Resolution at standing committee non-binding

13.5 A resolution passed at a standing committee meeting is not binding but, for consistency, a standing committee must pass a resolution by the same majority or 2/3 vote required of Council.

Report to Council

13.6 Each standing committee is to report to Council on all matters resolved including both affirmative and negative decisions.

Public delegation's permission to speak

13.7 A public delegation must not speak at a standing committee meeting unless, prior to the meeting, the public delegation has requested and obtained permission to speak from the City Clerk about any item on the agenda.

Public delegation's time limit for speaking

13.8 A public delegation must not speak to the standing committee for more than five minutes nor more than once.

Question to public delegation

13.9 A question posed to a public delegation or to staff by a member of the standing committee and the answer given must not exceed five minutes in aggregate.

SECTION 14 ADVISORY COMMITTEES AND OTHER BODIES

Advisory committee term

14.1 The term of each advisory committee appointed by Council is to end on the first Monday following December 1 in the year of a general local election.

Advisory committee procedures

14.2 The provisions of this By-law are to apply, with the necessary changes, to advisory committee meetings except as this Section 14 otherwise sets out.

Particulars of advisory committees

14.3 In appointing an advisory committee, Council may:

- (a) adopt terms of reference for the advisory committee including:
 - (i) the purpose of the advisory committee,
 - (ii) the composition of the members,
 - (iii) the length of each member's term,

- (iv) a requirement for the advisory committee to report either to Council or to staff,
 - (v) the frequency and scheduling of meetings, and
 - (vi) a statement from the City Clerk identifying the staff and other resources the advisory committee will require for support;
- (b) name the advisory committee members; and
 - (c) appoint a Chair.

First advisory committee meeting

14.4 The City Clerk or a person authorized by the City Clerk must call the first advisory committee meeting to order but, if the City Clerk has not appointed a Chair, the advisory committee members, as their first order of business after roll call, must determine by resolution the member who is to serve as the Chair for that meeting.

Quorum at advisory committee meetings

14.5 A majority of the persons appointed to an advisory committee are to constitute a quorum.

Appointment of advisory committee Chair

14.6 The Chair at each advisory committee meeting is to be:

- (a) the Chair appointed by Council;
- (b) if Council does not appoint a Chair, the Chair appointed by the advisory committee; or
- (c) in the absence of the person referred to in section 14.6(a) or (b) when a meeting is to start, the Council member the advisory 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 14.6(a) or (b) joins a meeting in progress, that person will act as Chair for the remainder of the meeting.

Council members at advisory committee meetings

14.7 Any Council member may attend a meeting of an advisory committee but does not count for quorum, and must not debate motions, make or second a motion, or vote on any question.

City Clerk's duties re advisory committees

14.8 The City Clerk or a person authorized by the City Clerk must:

- (a) record the minutes of each meeting
- (b) distribute the minutes prior to the meeting at which they are to be adopted.

Tie vote in advisory committee

14.9 The Chair of an advisory committee that records a tie vote must refer the motion to Council for consideration.

Committee resolutions

14.10 An advisory committee may act only by resolution but unless Council:

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

no resolution passed by the committee will bind the City.

Advisory committee reports

14.11 Each advisory committee of Council must report to a regular meeting of Council:

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

Dissenting committee reports

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

Comment on committee reports

14.13 The City Manager must comment on all advisory committee reports to Council.

Other bodies

14.14 Boards, commissions, and other bodies established or authorized under the Vancouver Charter may adopt all or any of the provisions of this By-law.

SECTION 15 BY-LAWS

By-law circulation

15.1 The City Clerk must make available to each Council member each proposed by-law listed on the agenda for a Council meeting.

By-law reading

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

By-laws by blanket motion

15.3 If no Council 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

15.4 If a Council member, under section 15.3, 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 15.3, 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.

By-law signing

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

SECTION 16 COMMUNICATIONS

Legibility of communications

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

Disposition of communications

16.2 The City Clerk must deal with any communication intended for Council that meets the requirements of section 16.1 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 Council members for information, with a note of any action taken; or
- (d) referring it to the appropriate department for action and reply.

SECTION 17 BUSINESS LICENSE AND CHAUFFEUR'S PERMIT HEARINGS

Notice of intention to appeal

17.1 An interested person who wants a hearing by way of appeal must:

- (a) submit to the City Clerk, within 10 days after the date of the suspension or revocation of the business license, or refusal, suspension or cancellation of the chauffeur's permit, notice in writing of the person's intention to appeal; and
- (b) state concisely, in the notice, the grounds upon which the interested person is basing the appeal.

Notice of hearing

17.2 At least 14 days before the date of a hearing, the City Clerk must give written notice of the date, time, and place of the hearing to the interested person:

- (a) by mailing it by registered post to the address set out in the most recent application for the business license or chauffeur's permit;
- (b) by handing it to the interested person; or
- (c) if the interested person is a corporation, by mailing it by registered post to the registered office of the corporation.

Request for interpreter

17.3 An interested person must submit a request to the City Clerk for an interpreter to attend the hearing at least seven days before the date of the hearing.

Existence of section 277.1 delegation

17.4 A section 277.1 delegation comes into existence on the date, and at the time of commencement, of the hearing as stipulated in the resolution of Council delegating the holding of the hearing to the Council members comprising the section 277.1 delegation.

Quorum

17.5 The quorum for a section 277.1 delegation is three.

Call to order

17.6 As soon after the time a meeting is to start that a quorum is present, the Chair of Council or the section 277.1 delegation, or, in the Chair's absence, the City Clerk, must call the meeting to order.

Absence of quorum

17.7 If, within 30 minutes after a hearing is to start, no quorum of Council or the section 277.1 delegation is present, the City Clerk must read the roll, record the result in the minutes, and declare the meeting cancelled.

Conduct of hearing

17.8 Council or the section 277.1 delegation must hear any applications related to the conduct of the hearing immediately after the roll call for the hearing.

Opportunity to be heard

17.9 At the hearing, Council or the section 277.1 delegation must afford the opportunity to be heard to the interested person.

Absence of interested person from appeal

17.10 If an interested person fails to appear at a hearing by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 10.3, Council or the section 277.1 delegation may treat the appeal as abandoned by the interested person.

Absence of interested person from hearing

17.11 If an interested person fails to appear at a hearing other than by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 10.3, Council or the section 277.1 delegation may proceed with the hearing in the absence of the interested person.

Recording of the hearing

17.12 The City Clerk must make an audio recording of the hearing, and preserve it for two years after the hearing.

Decision

17.13 Subject to section 277.1(4) of the Vancouver Charter at the conclusion of a hearing, Council or the section 277.1 delegation may render its decision, or may adjourn the hearing and set a date, time, and place to re-convene the hearing in order to render the decision.

**SECTION 18
REPEAL AND ENACTMENT**

Repeal

18.1 Council repeals By-law No. 8554.

Enactment

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

ENACTED by Council this _____ day of _____, 2008

Mayor

City Clerk