EXPLANATION

Mountain View Cemetery By-law amending By-law regarding burial, smoking and dogs

Enactment of the attached By-law will implement Council's resolution of October 22, 2019.

Director of Legal Services
November 5, 2019

HC

BY-LAW NO.

A By-law to amend Mountain View Cemetery By-law No. 8719 regarding burial, smoking and dogs

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

1. The By-law amends the provisions of the Mountain View Cemetery By-law No. 8719.

2. Council adds to section 1.2, the following definitions in correct alphabetical order:

""commingling" means the intentional or unintentional combining of the cremated human remains of more than one person;";

""scattering" means the irreversible dispersal of cremated remains in a defined area or feature within the cemetery and where such dispersal may result in the commingling of those cremated remains;";

""shared lot" means a single lot which is to be utilized by multiple licencees/rights holders;";

""smoke" means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance;";

""sustainable burial" means the interment of human remains that

(a) have not been embalmed,
(b) are clothed, wrapped or shrouded in natural and fully biodegradable fiber or material; and
(c) are enclosed in a shroud, casket or alternative container that is made from natural and fully biodegradable fiber or material;"; and

"sustainable lot" means a single lot which is to be utilized by multiple licencees/rights holders and is designated by the cemetery for sustainable burial;"..

3. Council strikes section 2.4, and replaces it as follows:

"**Appointment of cemetery committee**

2.4 Council is hereby authorized to appoint a Cemetery Committee to consist of four members, appointed by Council from time to time.".

4. Council strikes sections 3.1 and 3.2 and replaces them as follows:

"Application for licence

3.1 An individual who wishes to acquire a licence to reserve either the exclusive use of a vacant and unlicensed lot, or the mutual use of a shared lot, must apply to the cemetery manager.

Issuance of licence

3.2 Subject to this By-law and the terms of the licence, issuance of the licence gives the applicant the right to use of the lot designated in the licence for the sole purpose of interment.".

5. Council strikes section 7.2 and replaces it as follows:

"Number of interments permitted in grave

7.2 A grave must hold no more than two interments of human remains in any 40 year period unless otherwise permitted by the Cemetery Rules.".

6. Council renames Part 9 as "**SURRENDER OF LOTS AND LICENCES".**

7. Council adds a new section 9.5 and 9.6 as follows:

"Surrender of shared lot licence

9.5 A licensee may surrender a shared lot licence by applying in writing to the cemetery manager:

(a) instructing the cemetery manager to disinter any human or cremated remains subject to the shared lot licence;

(b) providing the cemetery manager with the necessary authorization to disinter human or cremated remains subject to the shared lot licence;

(c) instructing the cemetery manager to either remove any memorial on the lot and provide directions as to disposal of any memorial which is to be removed; and

(d) paying all cemetery fees for disinterment and memorial removal.

Compensation for surrendered of shared lot licence

9.6 If the cemetery manager accepts the surrender of a shared lot licence lot without interments or memorials, or of a shared lot licence for which there are instructions, authorizations and fees providing for removal of all interments and memorials in accordance with section 9.5, the city will pay to the licensee, an amount equal to the licence fee less the aggregate of:

(a) that portion of the original licence fee stipulated as a contribution to the care fund referred to in section 10.1; and

(b) the licence disposition fee set out in Schedule B.".

8. Council strikes subsections 11.10 (i) and (j) and replaces them as follows:

" (i) not suffer or permit any domesticated animal to be in the cemetery unless it is a dog on a leash held by the person supervising the dog, and the dog is restricted to hard surfaced roads and paths;

(j) remove from the cemetery any excrement deposited by a dog, other than a service dog, under their control;

(k) not smoke, except in a designated area; and

(l) obey the cemetery rules.".

9. Council strikes Schedule B of the By-law and replaces it with the Schedule B attached to this By-law.

10. 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.

11. This By-law is to come into force and take effect on January 1, 2020.

ENACTED by Council this day of , 2019

_____
Mayor

_____
City Clerk

SCHEDULE B
MOUNTAIN VIEW CEMETERY
2020 FEES AND CHARGES

	Right of Interment	Care Fund	Total
CASKET SPACE			
Adult Grave – Flat Marker Area	$17,750.00	$ 6,250.00	$25,000.00
Adult Grave – Upright Monument area	$20,625.00	$ 6,875.00	$27,500.00
Adult Grave – Single interment in shared lot	$ 9,375.00	$ 3,125.00	$12,500.00
Adult Grave – Single interment in sustainable lot	$ 7,125.00	$ 2,375.00	$ 9,500.00
Outdoor Tandem Crypt Mausoleum	$112,500.00	$12,500.00	$125,000.00
Infant Grave – (<24" casket) Shared marker	$ 0.00	$ 0.00	$ 0.00
Infant Grave – (<24" casket) Private marker	$ 1,500.00	$ 500.00	$ 2,000.00
Infant Grave – (<48" casket) Private marker	$ 3,000.00	$ 1,000.00	$ 4,000.00
ABOVE-GROUND CREMATED REMAINS SITE			
Columbaria – Upper Rows	$ 4,500.00	$ 500.00	$ 5,000.00
Columbaria – Second Row from bottom	$ 3,690.00	$ 410.00	$ 4,100.00
Columbaria – Bottom Row	$ 3,150.00	$ 350.00	$ 3,500.00
Family Columbaria – Standard	$15,750.00	$ 1,750.00	$17,500.00
Family Columbaria – Premium	$22,500.00	$ 2,500.00	$25,000.00
Family Columbaria – Feature	$31,500.00	$ 3,500.00	$35,000.00
Family Columbaria – Estate	$40,500.00	$ 4,500.00	$45,000.00

	Right of Interment	Care Fund	Total
IN-GROUND CREMATED REMAINS SITE			
Standard - Allowing 2 interments	$ 2,925.00	$ 975.00	$ 3,900.00
Standard - Allowing 4 interments	$ 4,650.00	$ 1,550.00	$ 6,200.00
Standard - Allowing 6 interments	$ 6,750.00	$ 2,250.00	$ 9,000.00
Standard - Allowing 8 interments	$ 9,000.00	$ 3000.00	$12,000.00
Premium Area - Allowing 2 interments	$ 3,750.00	$ 1,250.00	$ 5,000.00
Premium Area - Allowing 4 interments	$ 5,775.00	$ 1,925.00	$ 7,700.00
Premium Area - Allowing 6 interments	$ 9,000.00	$ 3,000.00	$12,000.00
Premium Area - Allowing 8 interments	$11,775.00	$ 3,925.00	$15,700.00
Feature Area - Allowing 2 interments	$ 4,575.00	$ 1,525.00	$ 6,100.00
Feature Area - Allowing 4 interments	$ 7,350.00	$ 2,450.00	$ 9,800.00
Feature Area - Allowing 6 interments	$11,250.00	$ 3,750.00	$15,000.00
Feature Area - Allowing 8 interments	$14,775.00	$ 4,925.00	$19,700.00
Feature Area – Estate Lot - 8 interments	$16,500.00	$ 5,500.00	$22,000.00
Feature Area – Estate Lot - 16 interments	$28,575.00	$ 9,525.00	$38,100.00
Feature Area – Estate Lot - 24 interments	$42,750.00	$14,250.00	$57,000.00

LICENCE DISPOSITION and TRANSFER

Licence Disposition Fee (Transfer Current Site to New Rights Holder)	$ 100.00
Site Transfer Fee (Change to equivalent site)License Disposition Fee	
Site Transfer Fee – Upgrade (to higher value site)	Current fee for NEW site PLUS: License Disposition Fee LESS: Current Fee for returned site
Site Transfer Fee – Downgrade (to lower value site)	Current fee for NEW site PLUS:License Disposition Fee LESS:Amount paid for returned site

INTERMENT OF REMAINS

Adult - Single Depth	$ 1,300.00
Adult – Deep	$ 2,300.00
Child (<18 years old and container up to 48" long)	$ 400.00
Infant (<1 year old and container up to 24" long)	$ 200.00
Miscarried (or Cremated) Remains of Infant/Stillborn (< 1 month old)	$ 0.00
Cremated Remains	$ 550.00
No one present at interment (credit)	($ 250.00)
Additional Cremated Remains (concurrent interment)	$ 200.00
Extra Niche interment (beyond original licenced capacity)	$ 1,750.00
Re-open Grave for burial (in addition to Adult Casket fee)	$ 2,200.00

OVERTIME INTERMENTS (in addition to INTERMENT fee)

Cremated Remains	$ 325.00
Casket	$ 1,100.00

DISINTERMENT AND EXHUMATION

Exhumation - Adult Casket – Inter. Fee plus	$ 700.00
Exhumation - Child Casket – Inter. Fee plus	$ 350.00
Exhumation - Infant Casket – Inter. Fee plus	$ 350.00
Exhumation - Cremated Remains (in-ground)	$ 450.00
Exhumation - Cremated Remains (from niche)	$ 350.00
Exhumation and Re-inter Cremated Remains (Concurrent – credit applied to combined exhumation and interment fee)	$ (225.00)

	Installation	Care Fund	Total
FLAT MARKER INSTALLATION			
Flat Marker (up to 12" x 20")	$ 100.00	$ 200.00	$ 300.00
Flat Marker (16" x 28" and larger)	$ 150.00	$ 200.00	$ 350.00

	Supply/Install	Care Fund	Total
FOUNDATIONS			
Concrete footing	$ 150.00	$ 150.00	$ 35.00 /6" of base
Granite foundation (on 1 lot only)	$ 200.00	$ 150.00	$ 55.00 /6" of base
Granite foundation (spanning >1 lot)	$ 350.00	$ 300.00	$ 90.00 /6" of base
MARKERS and MONUMENTS			
Infant Commemorative Stone	$ 195.00	$ 100.00	$ 295.00
Temporary Marker (annual fee)	$ 350.00	$ 100.00	$ 450.00
Granite Marker (Type 1)	$ 425.00	-	$ 425.00
Granite Marker (Type 2)	$ 500.00	-	$ 500.00
Granite Marker (Type 3)	$ 625.00	-	$ 625.00
Granite Marker (Type 4)	$ 750.00	-	$ 750.00
Granite Marker (Type 5)	$ 875.00	-	$ 875.00
Granite Marker (Type 6)	$ 1000.00	-	$ 1000.00
Granite Marker (Type 7)	$ 1150.00	-	$ 1150.00
Granite Marker (Type 8)	$ 1400.00	-	$ 1400.00

MEMORIAL REINSTALLATION	
Flat Marker (9" x 12" or 10" x 18" or 12" x 20")	$ 100.00
Flat Marker (16" x 28" or 18" x 30")	$ 150.00

OTHER MEMORIAL PRODUCTS

Inscription – Niche or Memorial panel	$ 325.00
Single Niche Panel	$ 260.00
Double Niche Panel	$ 385.00
Triple Niche Panel	$ 515.00
Scheduled/Witnessed Marker Installation (Storage Fee)	$ 250.00
Supply 9" x 12" granite base and mount (bronze) plaque	$ 150.00
Supply 12" x 20" granite base and mount (bronze) plaque	$ 250.00
Supply 16" x 28" granite base and mount (bronze) plaque	$ 350.00

CELEBRATION HALL RENTAL

Standard 2-hour Rental (during regular office hours)	$ 500.00
Extended 4-hour Rental (during regular office hours)	$ 800.00
Extended 3-hour Rental (outside regular office hours)	$ 800.00
Each Additional Hour (outside regular office hours)	$ 160.00
Per Service Person (up to 4 hours)	$ 160.00
Per Service Person (each additional hour)	$ 50.00

OTHER PRODUCTS AND SERVICES

Installation only of Casket Vault or Liner – Single Depth	$ 375.00
Installation only of Cremated Remains Vault or Liner	$ 100.00
Casket Vault or Liner	$1,200.00
Cremated Remains Vault/Liner	$ 150.00
Flower Container (supply and/or install)	$ 100.00
NSF Cheque	$ 50.00
Administration Fee	$ 60.00
Marker/Monument Steam Cleaning	$ 200.00

KEEPSAKE URNS

Keepsake Urn - Type 1	$ 35.00
Keepsake Urn - Type 2	$ 50.00
Keepsake Urn - Type 3	$ 100.00

CREMATED REMAINS URNS

Cremation Urn - Type 1	$ 100.00
Cremation Urn - Type 2	$ 125.00
Cremation Urn - Type 3	$ 150.00
Cremation Urn - Type 4	$ 175.00
Cremation Urn - Type 5	$ 200.00
Cremation Urn - Type 6	$ 225.00
Cremation Urn - Type 7	$ 275.00
Cremation Urn - Type 8	$ 300.00
Cremation Urn - Type 9	$ 350.00
Cremation Urn - Type 10	$ 400.00
Cremation Urn - Type 11	$ 425.00
Cremation Urn - Type 12	$ 450.00
Cremation Urn - Type 13	$ 500.00
Cremation Urn - Type 14	$ 725.00
Cremation Urn - Type 15	$ 950.00

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EXPLANATION

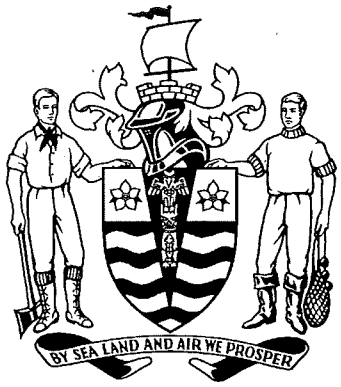
Procedure By-law

Enactment of the attached By-law will implement Council's resolution of October 23, 2019.

Director of Legal Services
November 5, 2019

HC.

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:

PART 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, who are not Council members or staff members, and who are appointed by Council to advise the Mayor, Council or staff;

"applicant" means the person applying to have a zoning matter referred to and considered at a public hearing;

"communications" means a report to Council which contains a recommendation from the Mayor or from the City Clerk;

"designated city representative" means any City of Vancouver employee designated by the City Clerk to be in attendance at the place specified in a notice of electronic meeting as the place where the public may attend to hear, or to watch and hear, the proceedings that are open to the public;

"electronic or other communication facilities" means the use of landline based, cellular, satellite or internet telephony, voice over internet computer assisted communications, radio, visual, audio or audio electronic communications facilities, or any other means of communication, which enables participants in a meeting to hear, or to watch and hear each other;

"electronic meeting" means a special Council meeting at which some or all of the Council members participate by means of electronic or other communication facilities;

"improper conduct" means to:

(a) use or promote the use of expression that is obscene, promotes hatred or violence, or is defamatory;

(b) engage in any action which, in the opinion of the Chair, threatens, obstructs or injures another person; or

(c) refuse to follow the directions of the Chair;

"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;

"parliamentary inquiry" means a question directed to the Chair to obtain information on a matter of parliamentary procedure or the rules of the City bearing on the business at hand;

"point of information" means a request to the Chair or through the Chair to another Council member or to the City Manager for information relevant to the business at hand but not related to parliamentary procedure;

"presentation" means an update or information presented by staff which may or may not have an associated report;

"public comments" mean submissions from the public, either in writing, or in electronic form, including audio or video format, graphics, photographs and other materials, regarding a proposed by-law;

"public hearing" means a meeting to consider a proposed official development plan, zoning by-law, heritage designation by-law, or heritage revitalization agreement by-law, pursuant to Part XXVII or Part XXVIII of the Vancouver Charter;

"public hearing summary" means a video or audio recording of that part of a public hearing conducted in the absence of a Council member, or an oral or written report given by the Director of Planning or another City official, which summarizes the main points made by each speaker who spoke during the absence of a Council member;

"referral report" means a Council report or Council member's motion requesting that Council decide whether or not to refer a matter to public hearing;

"representative speaker" means a speaker who represents three or more other persons, three or more other corporations, societies or organizations, or three or more other persons and corporations, societies or organizations;

"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;

"standing committee" means a Council committee established by Council;

"speaker" means a member of the public or a representative speaker who addresses Council, a standing committee, a public hearing, or a Court of Revision about a specific item on the agenda of a meeting;

"unfinished business" means:

(a) items from the agenda of the immediately preceding Council meeting that Council did not consider or did not finish considering; or

(b) items from the agenda of a standing committee meeting that the committee, at that meeting, did not finish considering; and

"urgent business" means business that requires the urgent attention of Council in connection with public health or safety, a financial or legal matter of significance to the city, or a request for a leave of absence.

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 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.

Application

1.6 The provisions in this by-law that apply to Council meetings also apply to standing committee meetings and special Council meetings, unless otherwise set out in this by-law.

PART 2
MEETINGS

Council meetings

2.1 (1) Council meetings must be held in Council Chamber at City Hall, unless Council resolves to hold the meeting elsewhere.

(2) Council meetings may be commenced, as required, at 9:30 a.m. on Tuesdays, except during the month of August.

Standing committee meetings

2.2 (1) Standing committee meetings must be held in Council Chamber at City Hall, unless Council resolves to hold the meeting elsewhere.

(2) Standing committee meetings may be commenced, as required, at 9:30 a.m. on Wednesdays, except during the month of August.

Public hearings

2.3 (1) Public hearings must be held in Council Chamber at City Hall, unless Council resolves to hold the meeting elsewhere.

(2) Public hearings may be commenced, as required, at 6:00 p.m. on Tuesdays and Thursdays, except during the month of August.

Court of Revision

2.4 (1) Sittings of the Court of Revision must be held in Council Chamber at City Hall, unless Council resolves to hold the meeting elsewhere.

(2) Sittings of the Court of Revision may be commenced, as required, at 4:00 p.m. on Tuesdays, except during the month of August, beginning in 2020, unless Council resolves to hold the meeting at another time or on another day.

Special Council meetings

2.5 Notwithstanding section 3.3, Council must hold special Council 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.

Notice of meeting

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

(a) posting the annual schedule of all meetings each year on the city website; and

(b) making the agenda for each meeting available as set out in section 3.3.

Change in meeting

2.7 Council may cancel, or change the date, time or place of any Council meeting.

Recess or adjournment of meetings

2.8 Each meeting must recess or adjourn:

(a) at noon;

(b) at 5:00 pm; or

(c) at 10:00 p.m.

unless Council resolves to extend the meeting by a 2/3 vote of members present, or, if extending a meeting past 10:00 pm for the purpose of debate and decision, by a unanimous vote of members present.

Meetings in general local election year

2.9 In the year of a general local election, no Council meeting, public hearing, standing committee meeting, business licence hearing or chauffeur's permit appeal shall be held between the last day of the nomination period and general voting day.

PART 3
AGENDAS AND RECORDS OF MEETINGS

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 sections 3.5, 3.6, 3.7, 3.8 or 13.13.

Publication of agenda

3.3 The City Clerk must:

(a) send a copy of the agenda for each meeting, including full reports, to each Council member by electronic mail no later than noon on the 6th day prior to the meeting; and

(b) post a copy of the agenda for each meeting, including full reports, on the City's website no later than the 5th day prior to the meeting; and

(c) send a copy of revisions to the agenda, including revised reports, to each Council member by electronic mail and post a revised agenda, including revised reports, on the City's website no later than the day preceding 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(d); or

(b) if Council resolves by a 2/3 vote of Council members present, without debate, to change the order of business; and

(c) at a special Council meeting, Council must conduct only the business described in the agenda.

Order of business at Council meeting

3.5 The order of business at a Council meeting, other than a Council meeting that follows a standing committee meeting, is:

(a) roll call;

(b) proclamations/recognitions;

(c) adoption of minutes;

(d) items on consent;

(e) presentations;

(f) unfinished business;

(g) communications;

(h) reports;

(i) referral reports;

(j) by-laws;

(k) administrative motions;

(l) Council members' motions;

(m) notice of Council member's motions;

(n) new business; and

(o) enquiries and other matters.

Order of business at standing committee meeting

3.6 The order of business at each standing committee meeting is:

(a) roll call;

(b) proclamations/recognitions;

(c) items on consent; and

(d) reports.

Order of business at Council meeting following standing committee meeting

3.7 The order of business at a Council meeting that commences following a standing committee meeting is:

(a) roll call;

(b) consideration of recommendations of the standing committee;

(c) unfinished business;

(d) urgent business; and

(e) by-laws.

Order of business at special Council meeting

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

(a) roll call; and

(b) the special business set out in the agenda.

Minutes

3.9 The City Clerk must:

(a) prepare the minutes of every Council, standing committee, and special Council meeting, business licence hearing, public hearing, chauffeur's permit appeal, and Court of Revision; and

(b) circulate a copy of the minutes to Council members prior to the Council meeting at which they are to be adopted as provided in section 3.3.

Adoption of minutes

3.10 If there are no errors or omissions, Council must adopt the minutes as circulated.

Motion to amend minutes

3.11 A Council member may make a motion requesting that the minutes be amended to correct an inaccuracy or omission, however, the City Clerk must be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the City Clerk to review the recording of that meeting.

Meeting recording to determine accuracy of minutes

3.12 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, standing committee meeting, public hearing, Court of Revision or special Council meeting, the recording of that meeting, if available, shall be used to decide the question.

Typographical errors in the minutes

3.13 The City Clerk may correct errors in grammar, spelling, and punctuation in the minutes or may insert words necessary to the meaning or continuity of a sentence, but must not make any other change to the minutes which would alter or affect, in a material way, the actual decision made by Council.

Recording meetings in Council Chamber

3.14 The City Clerk may make a video or audio recording of all Council, standing committee and special Council meetings held in the Council Chamber, and the recording:

(a) will be posted on the City's website as soon as practicable following the meeting that has been recorded;

(b) will be posted on the City's website for a period of four years; and

(c) may be removed from the City's website four years after the date the recording was posted, and, if removed thereafter made available to the public through the City of Vancouver Archives.

Recording meetings outside Council Chamber

3.15 The City Clerk may record meetings of Council held at locations other than the Council Chamber, by whatever method is practicable.

PART 4
ROLE OF THE CHAIR

Chair of Council and special Council meetings, and public hearings

4.1 The Chair of a Council meeting, special Council meeting or public hearing is:

(a) the Mayor;

(b) in the absence of the Mayor, the Acting Mayor;

(c) in the absence of the Mayor and Acting Mayor, the Deputy Mayor; and

(d) in the absence of the Mayor, Acting Mayor and Deputy Mayor, the Council member chosen to act as Chair as the first item of business following roll call, except that if the Mayor, Acting Mayor or Deputy Mayor joins a meeting in progress, the Chair for the remainder of the meeting is the Mayor, Acting Mayor or Deputy Mayor in accordance with the provisions of this section 4.1.

Chair of standing committee

4.2 The Chair of a standing committee meeting 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.

Chair's status in debate and Council member's motions

4.3 The Chair must not:

(a) speak, ask questions, or make motions about a matter under debate;

(b) introduce, speak, ask questions, or make motions to their own Council member's motion;

without relinquishing the chair to the person next entitled, under section 4.1, to assume the chair.

Chair to maintain order

4.4 The Chair of a meeting:

(a) must maintain order and decorum;

(b) must determine which Council member has a right to speak;

(c) must rule on Points of Order or Questions of Privilege;

(d) may call a Council member to order if, in the opinion of the Chair, it is necessary to do so; and

(e) may expel a Council member from a meeting if, in the opinion of the Chair, the Council member is in breach of the rules of conduct set out in sections 6.1 or 6.2.

Procedure for deciding on point of order

4.5 When the Chair is called upon to decide a point of order:

(a) the Chair must consider the point immediately;

(b) the Council member must state the point of order that has been breached, without comment or debate, and must be seated immediately thereafter; and

(c) the Chair must immediately rule on the point of order and advise the Council members of the Chair's decision.

Expulsion

4.6 If, in the opinion of the Chair, a Council member is in breach of the rules of conduct set out in this by-law:

(a) the Chair may rule that a Council member is in breach of the rules of conduct; and

(b) if there is no successful challenge to the Chair's ruling, the Chair may order the Council member to leave the Council Chamber for the balance of the meeting or

until the Council member advises the Chair that the Council member wishes to apologize to Council in accordance with section 4.7.

Return after expulsion

4.7 If a Council member who has been expelled from Council Chamber wishes to apologize:

(a) the Chair must so advise Council;

(b) Council, by a majority vote, without debate, may permit the Council member to return to the Council Chamber;

(c) the Council member must apologize immediately to Council for the conduct that caused the expulsion; and

(d) Council, by a majority vote, without debate, may end the expulsion.

PART 5
GENERAL MEETING PROCEDURES

Entry on floor

5.1 Only Council members, and those persons permitted by the Chair or City Clerk to do so, may enter the Council floor during a meeting, except that children may enter the Council floor during a meeting when being cared for by a Council member.

Call to order

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

Absence of quorum

5.3 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.

Questions to staff

5.4 Any Council member may ask staff questions about a matter before Council, except that:

(a) the question must be in relation to a report on the agenda, a presentation on a matter, a motion being considered by Council, or enquiries and other matters;

(b) the Council member must only include those facts necessary to explain the question, without argument or opinion;

(c) the time for the question and answer must not exceed five minutes in total; and

(d) after all Council members have had an opportunity to ask questions and be given answers, Council may, by resolution, permit all Council members further time to

ask questions and receive answers, except that the time for each further question and answer must not exceed five minutes in total.

Suspension of rule of order

5.5 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

5.6 Council may adjourn at any time, provided that Council:

(a) is not in committee of the whole;

(b) is not considering adoption of recommendations of the committee of the whole; and

(c) has no other matter on the floor.

Motion at standing committee meeting

5.7 At a standing committee meeting:

(a) a motion does not require a second; and

(b) a committee member need not rise to speak.

Standing committee recommendation non-binding

5.8 A standing committee recommendation to Council is not binding on Council but, for consistency, a standing committee may only approve a recommendation to Council by the same majority required of Council.

Standing committee report to Council

5.9 Each standing committee is to report to Council on all matters resolved.

Standing committee loss of quorum

5.10 If quorum is lost during a standing committee meeting, any recommendations that have been made by the standing committee will be referred to the next Council meeting as Unfinished Business.

Committee of the whole

5.11 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

5.12 The provisions of this by-law that apply to Council meetings also apply to meetings of committee of the whole, except that:

(a) a motion does not require a second;

(b) a Council member may not move to adjourn; and

(c) a Council member need not rise to speak.

Committee of the whole rising and reporting

5.13 Committee of the whole, by a majority vote of Council members present, without debate, must rise and report to Council on all recommendations and motions considered by the committee.

Committee of the whole loss of quorum

5.14 If quorum is lost during a meeting of the committee of the whole:

(a) all matters that have already been determined at that meeting by the committee of the whole are deemed to have been reported out to Council; and

(b) the report of the committee of the whole must be considered at the next Council meeting.

Recommendation in report not a motion

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

Report received for information

5.16 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.

PART 6
CONDUCT OF COUNCIL MEMBERS

Rules of conduct

6.1 A Council member must not:

(a) disturb or 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 the point of order;

(b) by words, tone, manner of speaking or gesticulation, express any opinion or make any allegation that directly or indirectly reflects negatively upon the character of any person or group of persons;

(c) question the motives of a Council member;

(d) speak disrespectfully to another Council member, an official of the City or member of the public;

(e) carry on a private conversation when a Council member has the floor;

(f) disrupt or delay the conduct of business at a meeting; or

(g) disobey the Chair when called to order.

Speaking

6.2 When questioning or speaking, a Council member must:

(a) rise unless a disability prevents the Council member from doing so;

(b) wait for recognition from the Chair;

(c) only address the Chair; and

(d) only speak to those matters referred to in and permitted by this by-law.

Chair maintains a list of speakers and decides order of speakers

6.3 The Chair:

(a) maintains a list of Council members who have asked to speak on a matter; and

(b) during questions and debate, calls Council members to speak in the order of the list.

PART 7
SPEAKERS AND CONDUCT IN PUBLIC GALLERY

Items which may be spoken to

7.1 Subject to the provisions of this Part 7, a person may only speak to reports that contain recommendations, except for the recommendation to receive for information, and Council members' motions.

Meetings at which speakers are permitted

7.2 Speakers are permitted to speak to:

(a) staff reports on the day in which the agenda item is listed regardless of whether it is a Council meeting or a standing committee meeting;

(b) member's motions at standing committee, provided Council refers the item to a future standing committee meeting to hear from speakers; and

(c) Council at special Council meetings, in accordance with Council direction.

Requests to speak

7.3 A person who wishes to speak to an item in accordance with section 7.2, must, at least one hour before the meeting is scheduled to begin:

(a) submit a request to the City Clerk to speak;

(b) provide the City Clerk with their full name and contact information;

(c) identify the item which they wish to speak to; and

(d) submit any presentations or other materials to be presented during the meeting.

Speakers list

7.4 The City Clerk will record any request to speak that comply with section 7.3 on the speakers list, and bring the request to the attention of Council at the Council meeting.

Limits on speakers

7.5 A speaker must limit their comments to the matter contained in the report or recommendations being discussed, and:

(a) if the speaker is speaking on their own behalf or on behalf of a corporation, society or other organization as an individual, the speaker must not speak at a standing committee or special Council meeting for more than five minutes in total nor more than once; or

(b) if the speaker is a representative speaker, must not speak at a standing committee or special Council meeting for more than five minutes in total nor more than once; and

(c) only one speaker or representative speaker from each organization is permitted.

Speaker accommodation

7.6 A speaker who requires accommodation to present to Council and is present at the meeting may have another individual read a statement they have prepared.

Council questions to speaker

7.7 Council members may pose a question to a speaker, except that:

(a) the question and answer given must not exceed three minutes;

(b) a Council member may only ask a question of a speaker to clarify the speaker's position as related to the recommendations contained in the report or the content of a member's motion;

(c) a Council member must not engage the speaker in debate or provide background information unless the speaker asks for clarification of the question;

(d) if a question to staff arises as a result of the response of a speaker to a Council member, a Council member may ask a question of staff at the conclusion of

speakers, except that the time for the question and answer must not exceed five minutes in total; and

(e) Council members must not ask leading questions of the speaker for the purpose of extending the speaking time provided to that speaker.

Conduct in public gallery

7.8 During a meeting, a person in the public gallery must not:

(a) address Council members without permission;

(b) applaud or otherwise interrupt a speech or action of Council members or a speaker addressing Council members; or

(c) otherwise engage in improper conduct.

Expulsion from public gallery

7.9 The Chair may expel a member of the public who engages in improper conduct.

PART 8
MOTIONS AT MEETINGS

Form of motion

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

Main motion

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

Seconding a motion

8.3 Consideration of a motion first requires a Council member, other than the Council member who brought the motion, to second it, unless otherwise provided in this by-law.

Withdrawal of motion

8.4 Once Council members have moved and seconded a motion under section 8.3, 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

8.5 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 question,

(iii) limit or extend the limits of debate,

(iv) postpone to a certain time or later date and time,

(v) postpone until after a certain event or condition occurs,

(vi) refer,

(vii) amend, or

(viii) receive for information, and take no further action; or

(c) an incidental motion to:

(i) raise a point of order,

(ii) raise a point of information,

(iii) raise a parliamentary inquiry,

(iv) appeal the decision of the Chair, or

(v) suspend the rules.

Limitation on amendments

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

Motion out of order

8.7 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 8.14, 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 8.15, 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.

Speaking to motion during debate

8.8 A Council member must not speak to a motion for more than five minutes unless Council resolves to permit the member one five minute extension, and, in either case, must not speak to the motion again until every other member has spoken, or has had the opportunity to speak, to it.

Reply to motion during debate

8.9 Despite section 8.8, a Council member who has moved a main motion may reply 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

8.10 A Council member may require the City Clerk to read a motion under debate or post it on-screen or provide a printed copy but, in doing so, must not interrupt another Council member who is speaking to the motion.

Raising of incidental motion

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

Motion to adjourn

8.12 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 or rescission of an adopted motion

8.13 (1) An adopted motion may be brought back before Council by a motion to reconsider, rescind or amend provided that no person has taken irreversible action based on the motion.

(2) A motion to reconsider an adopted motion:

(a) may only be made at the same meeting; and

(b) may only be made by a Council member who voted with the majority in the first instance.

(3) A motion to reconsider an adopted motion:

(a) is debatable;

(b) if adopted, the motion shall be reopened for debate; and

(c) if reopened for debate, may be referred, amended, postponed or voted on.

(4) A motion to rescind or amend an adopted motion:

(a) may only be made at a future Council meeting or at a special Council meeting held for that purpose; and

(b) may only be made by a Council member who voted with the majority in the first instance.

(5) A motion to rescind or amend an adopted motion:

(a) is debatable;

(b) if adopted, the previous motion is no longer applicable, and it would be in order to move a subsequent motion.

Reconsideration of defeated motion

8.14 (1) A defeated motion may be brought back before Council by a motion to reconsider or rescind provided:

(a) no person has taken irreversible action based on the motion;

(b) if the motion is made within 365 days of the date the motion was defeated, the motion may only be made by a Council member who voted with the majority in the first instance; and

(c) if the motion is made more than 365 days after the motion was defeated, or in a new Council term, the motion may be made by any Council member, regardless of how they voted or whether they voted in the first instance.

(2) A motion to reconsider a defeated motion may be made at the same meeting.

(3) A motion to rescind a defeated motion may be made at a future Council meeting or at a special Council meeting held for that purpose.

(4) A motion to reconsider:

(a) is debatable;

(b) if adopted, the motion shall be reopened for debate; and

(c) if reopened for debate, may be referred, amended, postponed or voted on.

(5) A motion to rescind:

(a) is debatable; and

(b) if adopted, the previous motion is no longer applicable, and it would be in order to move a subsequent motion.

PART 9
COUNCIL MEMBERS' MOTIONS

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

9.1 In order to give notice at a Council meeting of the Council member's intention to move a Council member's motion at a future Council meeting:

(a) the Council member must first deliver a notice of Council member's motion in written or electronic form, by title, to the City Clerk at the meeting, which must be at least one Council meeting prior to which the Council member intends to move the motion;

(b) the notice of the Council member's motion must stipulate the date of the Council meeting, which must be a Council meeting that does not follow a standing committee meeting.

Adding member's motion to the agenda

9.2 The exact text of a Council member's motion received by the City Clerk on or before 5:00 p.m. on Monday or, if that Monday is a statutory holiday, on or before 9:00 a.m. on Tuesday of the week preceding the week of the Council meeting at which the Council member intends to move the motion, will be added to the agenda for the next Council meeting in the order in which it was received, except that the City Clerk must not add the motion to the agenda if:

(a) it does not comply with section 9.1;

(b) it is delivered after the date and time stipulated in this by-law; or

(c) the motion is contrary to the provisions of the Vancouver Charter or other enactment that governs the City.

Motion must be same language as on agenda

9.3 Council members must move their motion, submitted in accordance with section 9.2, using the same language as is listed on the agenda.

Member's motion as new business

9.4 If a Council member wishes to move a member's motion as new business at a Council meeting, the Council member must:

(a) only do so at a Council meeting that does not follow a standing committee meeting; and

(b) deliver the motion in written or electronic form to the City Clerk after the deadline set out in section 9.2 at or in advance of the meeting;

except that if any Council member calls notice on the motion before debate on the motion begins:

(c) the calling of the notice is not debatable; and

(d) the City Clerk must add the motion to the agenda of the next Council meeting following the date at which the member's motion is raised as new business.

Member's motion as urgent business

9.5 A Council member may move a motion at a Council meeting that follows a standing committee meeting, or at a Council meeting, as urgent business.

Chair's ruling on motion as urgent business

9.6 If the Chair rules that a motion referred to in section 9.5 is:

(a) urgent business, Council must deal with the motion at the same meeting; or

(b) not urgent business, section 9.4 applies.

Moving member's motion

9.7 A Council member who brings forward a member's motion, in accordance with part 9, must move the motion in two minutes or less and must not recite the preamble.

Council member questions to mover of member's motion

9.8 After a Council member has introduced a Council members' motion, per section 9.7, but before the motion is on the floor of Council, each Council member may ask clarifying questions of the Council member moving the motion for one minute or less, including allowing time for responses.

PART 10
BY-LAWS

By-law circulation

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

By-laws by blanket motion

10.2 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

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

(a) the motion to enact proposed by-laws by reference to their agenda reference numbers will be deemed to exclude the particular proposed by-law;

(b) after the vote, under section 10.2, on the group of by-laws referred to by their agenda reference numbers, a Council member may move enactment of the particular proposed by-law; and

(c) Council members may debate or amend the particular proposed by-law.

By-law signing

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

PART 11
VOTING

Electronic voting

11.1 Council members may vote by electronic means.

Separate vote on parts of motion

11.2 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 of the motion.

Recommendations by blanket motion

11.3 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.

Voting on amendments

11.4 Council must vote on amendments to main motions:

(a) in the reverse order in which Council members moved them; and

(b) before voting on the main motion.

Call for vote

11.5 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

11.6 After the Chair calls for Council members to vote 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

11.7 (1) The Chair must conduct the vote as follows:

(a) the Chair must call first for Council members in favour and then for Council members opposed;

(b) after taking the vote, the Chair must state the names of those Council members opposed; and

(c) the Chair must verify the results of the vote if requested to do so by a Council member.

(2) The City Clerk must enter in the minutes the names of those Council members opposed.

Carrying of the vote

11.8 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.

PART 12
BUSINESS LICENCE AND CHAUFFEUR'S PERMIT HEARINGS

Notice of intention to appeal

12.1 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 a business licence, or of the refusal, suspension or cancellation of a 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

12.2 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 licence 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

12.3 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

12.4 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

12.5 The quorum for a section 277.1 delegation is three.

Call to order

12.6 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

12.7 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

12.8 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

12.9 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

12.10 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, Council or the section 277.1 delegation may treat the appeal as abandoned by the interested person.

Absence of interested person from hearing

12.11 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, Council or the section 277.1 delegation may proceed with the hearing in the absence of the interested person.

Recording of the hearing

12.12 The City Clerk must make an audio recording of the hearing, and preserve it for the longer of two years after the hearing or the end of the then current Council term.

Decision

12.13 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.

PART 13
PUBLIC HEARINGS

Public hearing procedures

13.1 The definitions in this by-law and the relevant provisions of Parts 2, 3, 4, 5, 6, 7, 8 and 11 are to apply to public hearings**,** except as otherwise provided in this Part 13.

Council questions on referral report

13.2 At a Council meeting, Council may ask questions of staff related to the decision to refer a proposed by-law to public hearing, or otherwise comment on the process leading to the recommendation for referral, except that all other issues regarding the proposed by-law must be addressed at public hearing.

Public questions on referral report

13.3 A request by a member of the public to speak to a referral report is generally not in order, except that if a referral report recommends that a matter not be referred to public hearing, the applicant may speak to that recommendation.

Requests to speak and public comments prior to public hearing

13.4 All persons who deem themselves to be affected by a proposed by-law which has been referred to public hearing may:

(a) submit a request the City Clerk to speak at the public hearing; and

(b) submit public comments to the City Clerk in accordance with this by-law.

Speakers list

13.5 The City Clerk will register on the speakers list all persons who submitted a request to speak at the public hearing.

Acknowledgment of public comments

13.6 The City Clerk will acknowledge receipt of all public comments submitted in accordance with this by-law, except that a petition will only be acknowledged if it designates the name of a contact person and provides their e-mail or mailing address.

Circulation and posting of public comments

13.7 The City Clerk will:

(a) prepare a public agenda package for each public hearing agenda item, containing the referral report, the proposed by-laws, summary and recommendations, any subsequent staff memos proposing amendments, and all public comments received by 5:00 p.m. on the day which is three (3) business days preceding the public hearing;

(b) circulate the contents of the public agenda package electronically to Council by noon on the day which is two (2) business days preceding the public hearing; and

(c) post the contents of the public agenda package and the public hearing agenda on the City website, by midnight on the day which is two (2) business days preceding the public hearing.

Public comments received after circulation and posting

13.8 Public comments and any staff memos proposing amendments that are received by the City Clerk after circulation and posting of the public agenda package and before the close of public comments:

(a) will be added to the public agenda package and circulated to Council; and

(b) will be posted on the City website within a reasonable time.

Public agenda package

13.9 The City Clerk will make the public agenda package, other than public comments, available for public reference at the public hearing.

Deadline for public comments

13.10 Public comments received by the City Clerk later than fifteen minutes after the close of the speakers list will not be circulated to Council until after Council has determined whether or not to enact the by-law or by-laws that were considered at the public hearing.

Author of public comments

13.11 Public comments which do not identify the author by name will not be circulated to Council or posted on the City website.

Personal information

13.12 Public comments will be posted on the City website in their entirety, excluding contact information, unless at the time of submission, the author requests that the City Clerk redact specified personal information, except that the author's name will not be redacted.

Order of business

13.13 The order of business at a public hearing is:

(a) roll call;

(b) opening instructions regarding speakers and public comments; and

(c) for each agenda item:

(i) reading of application and summary of public comments received,

(ii) presentation by staff,

(iii) presentation by applicant,

(iv) hearing of speakers on speakers list,

(v) call by Chair three times for further speakers,

(vi) call by Chair for public comments,

(vii) close of speakers list,

(viii) closing comments by applicant,

(ix) closing comments by staff,

(x) Council questions of staff following staff closing comments,

(xi) close of public comments pursuant to subsections 13.22 and 13.23,

(xii) debate, and

(xiii) motion.

Authority of the Chair

13.14 The Chair:

(a) will ensure that speakers limit their remarks to matters related to the proposed by-law;

(b) may make a motion to recess for not more than 10 minutes during a public hearing, to provide a Council member an opportunity to receive a public hearing summary in accordance with section 13.25 or 13.26;

(c) may make a motion to recess for not more than 10 minutes during a public hearing, to provide Council an opportunity to review public comments submitted pursuant to sections 13.23 and 13.24; and

(d) despite the provisions of this by-law, may modify the procedures at a public hearing if the Chair determines it is appropriate to do so, subject to a vote by not less than 2/3 of the Council members present to supersede the Chair's ruling.

Delay of commencement of public hearing

13.15 If all participating Council members are not in attendance at the time the public hearing is scheduled to start, the Chair may delay the commencement of the public hearing for up to 30 minutes.

Commencement of delayed public hearing

13.16 If all participating Council members are not in attendance 30 minutes after the public hearing is scheduled to start, and there is a quorum present, the Chair will commence the public hearing.

Absence of quorum

13.17 If a quorum is not present 30 minutes after the public hearing is scheduled to start, the City Clerk must read the roll, record the result in the minutes, and declare the public hearing cancelled.

Time limit for individual speaker

13.18 A speaker who is speaking on their own behalf or on behalf of a corporation, society or other organization as an individual, the speaker must not speak at a public hearing for more than five minutes in total nor more than once.

Representative speaker

13.19 A representative speaker may only speak on behalf of other persons or corporations, societies or organizations if those represented are also present at the public hearing, either in person or by a representative of each corporation, society or organization represented by the speaker.

Time limit for representative speaker

13.20 A representative speaker must not speak at a public hearing for more than eight minutes in total nor more than once.

Question to speaker

13.21 A question posed to a speaker at a public hearing by a Council member, and the answer given, must not exceed five minutes in total.

Public comments submitted during the public hearing by speaker

13.22 Despite the provisions of section 13.4, a speaker at a public hearing may also submit public comments, graphics and other materials to Council during the public hearing, except that the public comments must be submitted no later than fifteen minutes after the close of the speakers list, and, if written, must not exceed 1500 words.

Public comments submitted during the public hearing by person who does not attend

13.23 Despite the provisions of section 13.4, a person who does not attend a public hearing may also submit public comments, graphics and other materials to Council during the public hearing, except that the public comments must be submitted no later than fifteen minutes after the close of the speakers list, and, if written, must not exceed 1500 words.

Vote following absence during day or last day of public hearing

13.24 A Council member who is absent for part of a public hearing that is concluded in one day, or for part of the last day of a public hearing that lasts longer than one day, may only vote on a motion regarding amendment or approval in principle of the proposed by-law or by-laws if the Council member first receives or reviews a public hearing summary during a 10 minute recess called for that purpose, except that the Council member may not vote on the motion if the public hearing summary cannot be reasonably presented or reviewed during the 10 minute recess.

Vote following absence during continued public hearing

13.25 A Council member who is absent for part of a public hearing that lasts longer than one day, other than for part of the last day of the public hearing, may only vote on a motion regarding amendment or approval in principle of the proposed by-law or by-laws if the Council member first receives or reviews a public hearing summary, which must include the video recording of that part of the public hearing that was conducted in the absence of the Council member.

PART 14
ELECTRONIC MEETINGS

Electronic meeting procedures

14.1 The definitions in this by-law and the relevant provisions of Parts 2, 3, 4, 5, 7, 8, 9 and 10 apply to electronic meetings**,** except as otherwise provided in this Part 14.

Special Council meeting by electronic means

14.2 A special Council meeting may be conducted by electronic means.

Participation of Council member by electronic means

14.3 A Council member who is unable to attend a special Council meeting, which has been convened in accordance with this by-law, may participate by electronic means.

Communication at electronic meeting

14.4 Council members who participate in a meeting conducted by electronic means must be able to hear, or to watch and hear, each other.

Convening electronic special Council meeting

14.5 The Mayor, or a person designated by Council to act in the capacity of the Mayor in the Mayor's absence, may convene a special Council meeting to be conducted by electronic means.

Chair of electronic special Council meeting

14.6 Part 4 applies to a special Council meeting which is conducted by electronic means except that:

(a) if there is one Council member present at the place where the public may attend, that Council member is the Chair;

(b) if there are two or more Council members present at the place where the public may attend, other than the Mayor, Deputy Mayor or Acting Mayor, the Chair shall be the Council member present chosen by Council, as its first item of business after roll call, to serve as the Chair for that meeting; and

(c) if the Council members present include the Mayor, Deputy Mayor or Acting Mayor, the provisions of section 4.1 govern the appointment of the Chair.

Public or in camera electronic special Council meetings

14.7 A special Council meeting which is conducted by electronic means may be open to the public or closed to the public.

Notice of public electronic special Council meeting

14.8 Notice of a special Council meeting, which is not closed to the public and is to be conducted wholly or in part by electronic means, may be given using a means of communication which the Mayor, or a person designated by Council members to act in the capacity of the Mayor in the Mayor's absence, considers most likely to reach the public, and should include a brief description of:

(a) the nature of the business to be transacted;

(b) the way the meeting is to be conducted; and

(c) the place the public may attend to hear the proceedings.

Notice of in camera electronic meeting

14.9 Before holding an in camera special Council meeting by electronic means, Council must state by resolution, passed in a public meeting:

(a) the fact that the meeting or part of the meeting is to be closed; and

(b) the basis under the applicable subsection of section 165.2 of the Vancouver Charter for closing the meeting or part of the meeting.

Public meeting prior to in camera electronic meeting

14.10 The public meeting referred to in section 14.9 may be conducted by electronic means.

Public attendance at electronic meeting

14.11 The place the public may attend to hear the proceedings in accordance with section 14.8 or 14.9 should provide:

(a) communication facilities which enable the public to hear, or watch and hear, the meeting and participating Council members; and

(b) a person in attendance who is a designated city representative.

PART 15
ADVISORY COMMITTEES AND OTHER BODIES

Advisory committee procedures

15.1 The provisions of this by-law are to apply, with the necessary changes, to advisory committee meetings except as otherwise provided in this Part 15.

Order of business at advisory committee meeting

15.2 The order of business at an advisory committee meeting is:

(a) roll call;

(b) adoption of minutes;

(c) agenda items;

(d) liaison updates;

(e) subcommittee updates; and

(f) new business.

Order of business at special advisory committee meeting

15.3 The order of business at a special advisory committee meeting is:

(a) roll call; and

(b) the special business described in the special advisory committee meeting agenda.

Establishing advisory committees

15.4 In establishing an advisory committee, Council must:

(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

(b) name the advisory committee members;

(c) assign, on recommendation of the Mayor, a Council member as committee liaison; and

(d) direct the City Manager to assign a staff member as committee liaison.

First advisory committee meeting

15.5 The City Clerk or a person authorized by the City Clerk must call the first advisory committee meeting to order and the advisory committee members, as their first order of business after roll call, must determine through a nomination process and by resolution the member who is to serve as the Chair for that meeting or for such period of time as may be determined by the advisory committee members.

Appointment of Chair

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

(a) the Chair appointed by the advisory committee; or

(b) in the absence of the person referred to in subsection (a) when a meeting is to start, the committee 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 subsection (a) or (b) joins a meeting in progress, that person will act as Chair for the remainder of the meeting.

Quorum

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

Attendance

15.8 An advisory committee member must not be absent from more than two consecutive advisory committee meetings without having first obtained a leave of absence in accordance with this by-law.

Request for leave of absence

15.9 The advisory committee may consider a member's request for a leave of absence and may grant a leave of absence by simple majority if the member's request is considered to be reasonable.

Deemed resignation for non-attendance

15.10 An advisory committee member who is absent from more than two consecutive advisory committee meetings without having first obtained a leave of absence in accordance with this by-law, is deemed to have resigned.

Attendance of Council member at meeting

15.11 A Council member may attend a meeting of an advisory committee, except that the Council member does not count for quorum and must not debate motions, make or second a motion, or vote on any question.

Role of City Clerk

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

(a) in consultation with the Chair and staff liaison, prepare and distribute the meeting's agenda;

(b) record the minutes of each regular or special advisory committee meeting; and

(c) distribute the minutes prior to the meeting at which the advisory committee is to adopt them.

Advisory committee motions

15.13 An advisory committee may act only by motion but unless Council:

(a) has expressly delegated to the advisory committee an executive or administrative power in respect of which the advisory committee passes a motion; or

(b) has expressly approved a motion passed by the advisory committee;

no motion passed by the advisory committee is binding on the City.

Advisory committee reports

15.14 Each advisory committee of Council must report to Council, in writing:

(a) on all matters Council has referred to the advisory committee including both affirmative and negative decisions;

(b) where the advisory committee requires Council's approval for passing a specific motion; or

(c) where, in the advisory committee's opinion, the City's interests so require.

Role of City Manager on advisory committee reports to Council

15.15 The City Manager may comment on all advisory committee reports to Council.

PART 16
REPEAL AND ENACTMENT

Repeal

16.1 Council repeals By-law No. 9756, as amended.

Enactment

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

ENACTED by Council this day of , 2019

_____
Mayor

_____
City Clerk

EXPLANATION

A By-law to amend Rental Housing Stock Official Development Plan By-law No. 9488 Regarding Amendments to the Rental Housing Unit Definition

Following the Public Hearing on October 22, 2019, Council resolved to amend the Rental Housing Stock Official Development Plan By-law No. 9488 regarding amendments to the Rental Housing Unit definition. The Director of Planning has advised that there are no prior to conditions and enactment of the attached By-law, which contains a correction to the section number in which the definition appears, will implement Council's resolution.

Director of Legal Services
November 5, 2019

HC.

BY-LAW NO.

**A By-law to amend Rental Housing Stock
Official Development Plan By-law No. 9488
Regarding Amendments to the Rental Housing Unit Definition**

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

1. This By-law amends or adds to the indicated provisions of By-law No. 9488.

2. In Section 1.1, Council amends the definition of Rental Housing Unit by striking out:

""rental housing unit" means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include a unit rented by a not for profit housing cooperative to a member of the cooperative, a unit in a community care facility or group residence, a unit in a hotel, or units in a strata-titled building where the majority of the units were within the last three years individually owned and:

(a) for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
(b) for which all the strata lots within the corporation are now under single ownership; and"

and substituting:

""rental housing unit" means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents or has rented for the purpose of living accommodation, but does not include:

(a) a unit rented by a not for profit housing cooperative to a member of the cooperative;
(b) a unit in a community care facility or group residence;
(c) a unit in a hotel;
(d) units in an equity co-op where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the building was operated as an equity co-op within the last three years; or
(e) units in a strata titled building where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the majority of the units were within the last three years individually owned and:

(i) for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
(ii) for which all the strata lots within the corporation are now under single ownership; and".

3. 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.

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

ENACTED by Council this day of , 2019

_____
Mayor

_____
City Clerk