

REDLINE VERSION

(in relevant sections under Parts 1, 2, 3, 7, 8, 9, 12, 13 and 14)

BY-LAW NO. 12577

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

**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;~~

~~"electronic meeting" means a special Council meeting, regular Council meeting or standing committee 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;~~

“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 vehicle for hire license under the Vehicles for Hire By-law; or
- (b) the suspension, revocation, or cancellation of that person’s business license, 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.~~
- 2.1 (1) Council meetings must be held 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:
and

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

Meetings in general local election year

2.9 In the year of a general local election, no Council meeting other than a special Council meeting, and no public hearing, standing committee meeting, or business licence hearing 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.~~

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 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 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 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.~~

Requests to speak

7.3 A person who wishes to speak to an item in accordance with section 7.2, must, by noon on the day before the meeting is scheduled to begin:

- (a) submit a request to the City Clerk to speak;
- (b) provide the City Clerk with their 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.

7.4A The Chair shall call speakers in the order of the list provided by the Clerk, and if a person is not present to speak at the time they are first called, the person shall be entitled to speak if they are present to speak after the Chair has gone through the complete list and called for them a second time.

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, including a request for the speaker's full name and whether the speaker is a resident or non-resident of the City of Vancouver, 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.

Submitting written comments to Council

7.10 All persons submitting written comments to Council by paper or email related to any matter involving a Council meeting, a Standing Committee meeting or a Public Hearing are requested to state on their written comments their full name and whether they are a resident or non-resident of the City of Vancouver.

Speaking to Council

7.11 All persons speaking on any matter involving a Council meeting, a Standing Committee meeting or a Public Hearing are requested to state their full name and whether they are a resident or non-resident of the City of Vancouver.

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 8.13 or 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 8.13 or 8.14, 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:~~

8.14 (1) A defeated motion may be brought back before Council by a motion to reconsider 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.~~

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 specific title which should not later change, 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 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.~~

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, 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;
- (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;~~
- (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 13.22 or 13.23;
- (b) 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 13.22 and 13.23; and
- (c) 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 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, unless the speaker requires and provides a translator, in which case they can speak once for ten minutes.~~

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 electronically, 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 14 ELECTRONIC MEETINGS

Electronic meeting procedures

14.1 The definitions in this by-law and the relevant provisions of Parts 2, 3, 4, 5, 6, 7, 8, 9 and 10 apply to electronic meetings, except as otherwise provided in this Part 14.

Council meetings by electronic means

14.2 A special Council meeting, a regular Council meeting or a standing committee 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, a regular Council meeting or a standing committee 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 regular Council meeting, special Council meeting or standing committee 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.

Public or in camera electronic meetings

14.6 A special Council meeting, standing committee meeting or a regular 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

14.7 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 by electronic or other communication facilities; and
- (c) the place the public may attend to hear, or watch and hear, the proceedings.

Notice of electronic regular Council meeting or standing committee meeting

14.8 Notice of a regular Council meeting or standing committee meeting to be conducted by electronic means must be given in the same manner as an in person regular Council meeting or an in person standing committee meeting, and must also include notice of:

- (a) the way the meeting is to be conducted; and

- (b) the place the public may attend to hear, or watch and 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 If notice is given under this by-law that Council may attend a meeting by electronic means, then members of the public who are eligible to speak at the meeting may participate by electronic means.

Place public may attend

14.12 The place the public may attend to hear and participate in the proceedings in accordance with this section 14.7 or 14.8 must provide:

- (a) communication facilities which enable the public to hear, or watch and hear, the meeting and participating Council members; and
- (b) a staff person in attendance who is a designated city representative.

Quorum

14.13 The Clerk must confirm quorum at an electronic meeting, and each member must enable their video in order to allow for this.