



COUNCIL REPORT

Report Date: March 22, 2023
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Meeting Date: May 9, 2023
[Submit comments to Council](#)

TO: Vancouver City Council
FROM: Acting City Clerk
SUBJECT: Amendments to the Procedure By-law No. 12577

Recommendations

- A. THAT Council approve, in principle, the proposed amendments summarized in Table 1 of this report to the Procedure By-law.

Alternatives

- B. THAT Council approve, in principle, the proposed amendments summarized in Table 2 of this report to the Procedure By-law.
- C. THAT Council instruct the Director of Legal Services to prepare a by-law for enactment on May 10, 2023, that reflects Council's direction and is generally in accordance with the by-law attached as Appendix A.

Purpose and Executive Summary

This report seeks Council's approval of various administrative amendments, including additional speaking time for persons with disabilities if there are accessibility barriers or constraints to speaking as directed by Council. In addition, in response to various questions and comments from Council, staff are including optional administrative and substantive amendments to the Procedure By-law in this report for Council's consideration to improve overall meeting efficiency. The last comprehensive review of the Procedure By-law was in 2019, with administrative amendments on December 10, 2019, May 26, 2020 and September 21, 2021.

Council Authority/Previous Decisions

Section 164.1 of the *Vancouver Charter* requires that Council adopt a by-law to establish the procedures for the conduct of its business. The by-law must 1) establish the time and place of regular meetings of Council, 2) require advance public notice with respect to the time, place and

date of Council and Committee meetings, and 3) establish the procedures for giving that notice. The Procedure By-law can only be amended by a by-law passed at a regular Council meeting provided that notice is given in writing and openly announced at an earlier Council meeting. Notice was given in writing and openly announced at the Council meeting held on April 25, 2023.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

On July 19, 2022, Council directed staff to prepare amendments to the Procedure By-law to allow for additional speaking time for persons with disabilities if there are accessibility barriers or constraints to speaking. In addition, staff are including administrative and substantive amendments in this report for Council's consideration to improve overall meeting efficiency.

To inform these proposed amendments to the Procedure By-law, staff conducted a jurisdictional scan of Lower Mainland municipalities of similar or equivalent size on their meeting procedures around speaking time.

Discussion

The Procedure By-law is reviewed periodically to help ensure procedures are current and meetings are conducted efficiently. This report provides recommendations for both administrative changes and options for substantive changes should Council wish to consider increasing meeting efficiency.

Jurisdictional Scan

The City Clerk's Office conducted a jurisdictional scan of 16 municipalities to better understand and compare Vancouver's 1) processes for members of the public to address Council and/or provide input on matters before Council, 2) sign-up deadlines for speakers, and 3) time limits for speakers to address Council. Appendix B provides a summary of the responses from the 12 largest municipalities captured in the jurisdictional scan.

The summary shows the wide range of processes and procedures employed by municipalities to enable public participation in Council meetings. For example, some municipalities hear from speakers only after a Council meeting concludes, some restrict the number of speakers/delegations who can speak to Council per meeting or per agenda item, while other municipalities only allow members of the public to submit written comments on agenda items in advance of Council meetings.

The summary also shows the different time limits municipalities provide for speakers to address Council during Council meetings. Half the municipalities captured in the scan, including Vancouver give individual speakers 5 minutes each to address Council. The other six municipalities studied range from giving no time for speakers, to giving 2-3 minutes to individual speakers, up to 10-15 minutes for a delegation to address Council.

The majority of municipalities that allow for speakers do not restrict Council members' time to ask questions of speakers. However, it is important to note that most of the municipalities

scanned do not have comparable numbers of speakers to Vancouver for reasons including, but not limited to restrictions placed on the number of speakers/delegations allowed per meeting or because speakers are heard post decision and after the conclusion of a meeting. Vancouver and Edmonton are the only municipalities that restricts a Council member's time to ask questions of speakers (3 and 5 minutes respectively).

Summary of proposed changes to the Procedure By-law

In addition to Council's direction to allow additional speaking time for those who require accessibility accommodation, staff are proposing additional changes to the Procedure By-law to increase meeting efficiencies.

The proposed Procedure By-law changes attached in Appendix A are categorized as either administrative or substantive changes.

Administrative changes, summarized in Table 1 below, are minor changes to language (generally to provide clarification) or to improve the clarity or meaning of the section or the by-law overall. Substantive changes are new or significantly amended sections of the Procedure By-law. These substantive changes are summarized in Table 2 should Council wish to consider.

Table 1. Summary of proposed changes to the Procedure By-law that are considered administrative

	Subject and Procedure By-law section	Summary of recommended changes	Comment
1	Amend section 1.2, Definitions	Clarify the definition of representative speakers	The current language is not clear if the Representative Speaker is included in the count of 3 persons or more. The intent has always been a minimum of 4 persons to meet the definition of representative speakers.
2	Amend section 2.8, Recess or adjournment of meetings	Clarify the requirement to specify the date and time of a reconvene meeting	The amendment is to be consistent with the current practice of providing notice of a reconvened meeting.
3	Amend section 3.6, Order of business at standing committee meeting	Add a Presentation section to the order of the agenda	The amendment is consistent with the current practice where presentations are often included on the agenda at Standing Committee meetings.

	Subject and Procedure By-law section	Summary of recommended changes	Comment
4	Amend sections 3.9(a) and 3.12, Minutes, Meeting recording to determine accuracy of minutes	Include other Committee meetings	The Auditor General Committee is a new committee created by Council and in the recent years, Council has also convened to reconsider sign by-law appeals as authorized under the Vancouver Charter. This amendment is to include those meeting types.
5	Add section 7.5 (d), Limits on speakers	Clarify the requirement of represented speakers	To clarify the requirement that those speakers represented should also be present at the meeting, either in person or electronically. This applies to Public Hearing speakers as well.
6	Amend section 7.6, Speaker accommodation	Provide individual speakers requiring accessibility accommodation additional time at the discretion of the Chair	At the Council meeting of July 19, 2022, Council directed staff to prepare amendments to the Procedure By-law to allow the Meeting Chair to have discretion in allowing additional speaking time for Persons with Disabilities if there are accessibility barriers or constraints to speaking. Staff are recommending that additional time be provided to those who may require accessibility accommodation.
7	Amend section 7.11, Speaking to Council	Clarify language to be consistent with current practice	The current language allows any Council members the ability to ask speakers whether they are a resident of the City of Vancouver or not. It is more practical for the Chair to do so before speakers begin their comments.
8	Strike section 8.14(3), Reconsideration of defeated motion	A defeated motion does not need to be rescinded	When a motion is defeated, there is no further action required. It does not need to be rescinded because it was defeated and does not exist.

Table 2. Summary of proposed changes to the Procedure By-law considered substantive for Council's consideration

	Subject and Procedure By-law section	Summary of recommended changes	Comment
1	Amend 2.3(2), Public Hearing Days	To amend the start time for Public Hearings on Thursdays to 3 pm	An earlier start time for Public Hearings on Thursdays at 3 pm will allow more time to conduct business. The ability to participate electronically as a result of the pandemic provides the opportunity for speakers to more easily participate at Public Hearings during the day. Staff recommend that Council continues with the 6 pm start on Tuesdays to ensure Council meetings are not impacted.
2	Amend section 5.7(a), Motion at Standing Committee meeting	To require a Secunder in Committee meetings	To adopt the same practice as all other meeting types.
3	Amend section 7.3, Requests to Speak	Change speaker sign up deadline from one hour before the meeting to 5pm the day before the meeting for Council and Standing Committee meetings	<p>To amend speaker sign-up deadline from 8:30 am on the day of the meeting to 5pm on the day prior to the meeting.</p> <p>The earlier deadline to sign up to speak will enable staff to send confirmation to speakers in advance of the meeting in a timely manner. The current deadline puts additional strain on resources to get the speaking list out to Council in a timely manner while getting ready for the meeting.</p> <p>The data collected over the last 5 years indicates about 20% of the speakers sign up between after 5 pm the day before the meeting and 8:30 am on the morning of the meeting.</p> <p>If implemented, City Clerk's staff would update all external communications to ensure the public is aware of the changes.</p>

	Subject and Procedure By-law section	Summary of recommended changes	Comment
4	Amend section 7.5 (a) and (b), Limits on speakers	Amend individual speaker time	To amend individual speaker time at a standing committee or Special Council meeting to not more than 3 minutes (from 5 minutes), with no change to time of a representative speaker to not more than 5 minutes.
5	Amend section 7.7(a), Council questions to speaker	Amend the time for Council to ask questions of speakers to 1 minute	In section 7.1 of the current Procedure By-law, speakers may speak to reports with recommendations and members' motions. Council may wish to amend the current 3 minute time-limit of questions to speakers to 1 minute in keeping with the intent to ask clarifying questions only. Alternatively, Council may consider the option to eliminate questions to speakers which will provide better estimate of timing of agenda items.
6	Amend section 8.8, Speaking to motion during debate	Amend the time for debate	Council may want to consider amending the time for debate from 5 minutes to 3 minutes.
7	Amend section 13.18, Time limit for individual speaker	Provide individual speakers requiring accessibility accommodation additional time to speak	At the Council meeting of July 19, 2022, Council directed staff to prepare amendments to the Procedure By-law to allow the Meeting Chair to have discretion in allowing additional speaking time for Persons with Disabilities if there are accessibility barriers or constraints to speaking. Staff are recommending that additional time be provided to those who may require accessibility accommodation.

The current Procedure By-law requires revisions to improve clarity within the by-law and implement the direction of Council to provide additional speaking time for speakers who may require accessibility accommodation. In addition, staff has provided possible amendments that are substantive to the by-law for Council's consideration. The proposed amendments align the by-law with existing practice and principles of good governance.

Financial Implications

There are no financial implications.

Legal Implications

Council is authorized to make the proposed by-law changes by the *Vancouver Charter*, and the regulations issued under its authority.

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APPENDIX A**A By-law to amend the Procedure By-law No. 12577 regarding various matters**

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

1. This By-law amends the provisions of the Procedure By-law No. 12577.
2. Council strikes the definition of “representative speaker” from section 1.2 and replaces it with:
““representative speaker” means a speaker who speaks on behalf of themselves and three or more other persons, or on behalf of themselves and three or more corporations, societies, organizations or other persons;”.
3. Council strikes section 2.3 (2), and replaces it as follows:

“(2) Public hearings may be commenced, as required, at 6:00 p.m. on Tuesdays and 3:00 pm on Thursdays, except during the month of August.”.
4. Council adds at the end of section 2.8, “Whenever Council recesses to another date, it must specify the date and time when it will reconvene.”
5. Council strikes section 3.6 and replaces it with:

“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;
 - (d) presentations; and
 - (e) reports.”.
6. Council strikes section 3.9(a) and replaces it with:

“(a) prepare the minutes of every Council meeting, standing committee meeting including the Auditor General Committee meeting, special Council meeting, business licence hearing, public hearing, sign by-law reconsideration meeting, and Court of Revision meeting; and”
7. Council strikes section 3.12 and replaces it with:

“Meeting recording to determine accuracy of minutes

- 3.12 If a Council member questions the accuracy of any minutes prepared under section 3.9(a), the recording of that proceeding, if available, shall be used to decide the question.”

8. Council strikes section 5.7(a) and replaces it with:

“(a) a motion requires a second; and”.

9. Council strikes from section 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:” and replaces it with “A person who wishes to speak to an item in accordance with section 7.2, or have a representative speaker speak on their behalf, must, no later than 5 pm on the day before the meeting is scheduled to begin:”.

10. Council strikes section 7.5 and replaces it as follows:

“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 three 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;
- (c) only one speaker or representative speaker from each organization is permitted to speak on behalf of the organization; and
- (d) a representative speaker may only speak on behalf of other persons or corporations, societies or organizations if those represented are also present at the meeting, either in person or electronically, by a representative of each corporation, society or organization represented by the speaker.”.

11. Council strikes section 7.6 and replaces it with the following:

“Speaker accommodation

7.6 A speaker who requires reasonable accommodation to present to Council and is present at the meeting may have another individual read a statement they have prepared, or the speaker may be otherwise accommodated at the discretion of the Chair.”.

12. Council strikes section 7.7 (a) and replaces it with:

“(a) the question and answer given must not exceed one minute;”.

13. Council strikes section 7.11 and replaces it as follows:

“Speaking to Council

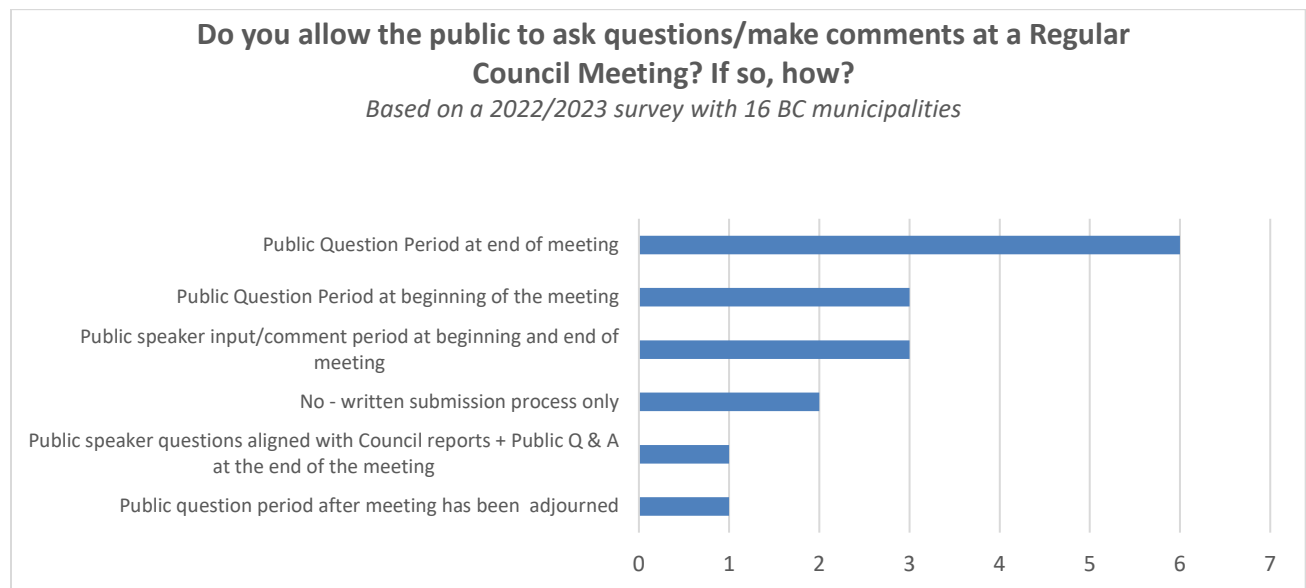
APPENDIX B JURISDICTIONAL SCAN - COUNCIL /MEMBERS OF PUBLIC INTERFACE – REGULAR COUNCIL MEETINGS

Analysis of data from a recent jurisdictional scan/survey regarding the Council/Public interface in Council meetings, 16 BC municipalities/districts in Chart 1 took part in a recent survey. These municipalities were located in the Lower Mainland, the Fraser Valley and on the Sunshine Coast. In terms of comparison, many municipalities/districts that took part were mid-size or smaller.

Council/Public interface in small & mid-size BC Municipalities

A recent survey with 16 BC Municipalities/Districts asked questions on how Public Speakers were managed and integrated into Council meetings. Most participating municipalities were small or medium sized but not all municipalities are included in Table 1 summary below. In some municipalities, Council could hear from speakers before or after Council meetings. If speakers are heard after the Council meetings, the decision for the items would have been made and it would be an opportunity for speakers to only ask questions of the decision. In some municipalities, the Public Question Period allows Council to hear from all speakers for all agenda items at one time. Typically, the Chair would respond to speakers or direct staff to provide a response after the meeting. In some municipalities, speakers could ask questions on any topic other than what is on council’s agendas. The District of West Vancouver is the only municipality that has a similar process as Vancouver.

Chart 1: Public Speaker Integration into Council Meetings – BC municipalities



Public/Council Interface at Regular Council Meetings in municipalities*Table 1: Comparison of Municipalities*

Municipality (or other governing body)	Are members of Public allowed to speak during regular Council meetings?	Deadline to submit request to speak	Time-Limit per Speaker (or delegation)	Time-Limit for Council to ask Question to speakers
Calgary	No	Up until the end of the item at Standing Committee only	N/A- Written submission process only	N/A - Written submission process only
Edmonton	Yes	Up until before debate	5 minutes	5 minutes for each speaker panel
Vancouver	Yes – agenda items only	One hour before the meeting begins	5 minutes	3 minutes
Surrey	No. Possible exception: limited number (2-3) of approved delegation presentations added to agenda on any topics and at Committee meetings only	Submission required to be added to the agenda	15 minutes speaking time per delegation. Written submission process only for other members of the public	None, but engagement limited to 2-3 delegations
Burnaby	No – There is no public input/comment period on the agenda. Public are directed to specific engagement portals, correspondence process or delegations if not regarding current subject matter before Council.	Wednesday at Noon the week before the Council meeting held on Mondays	Only for delegations: 10 minutes speaking time per delegation – max 3 delegations	None, but engagement limited to max. 2-3 delegations
Richmond	Yes	6 hours prior to start of meeting	5 minutes	None
Coquitlam	Yes - Public Q+A Period at the end of meeting and up to 2 speakers to address agenda items only	Not available	Up to 15 minutes	Not available
Port Coquitlam	Yes- Public Q+A Period at the end of meeting on any topics	n/a	5 minutes	None
North Vancouver (City)	Yes - Public Input Period at the end of meeting on any topics	5 minutes before the start of the meeting	5 minutes	None
West Vancouver	Yes - Public Q+A Period at the end of the meeting or public can speak to a specific report once the report has been presented	Up to when the item is on the floor	3 minutes	None
Langley (City)	Yes – by request only through delegation process (Maximum 3 per meeting)	End of business day the previous Wednesday before Monday's meeting	5 minutes	None
White Rock	Yes - Public Q+A Period after the meeting adjourned for a total of 15 minutes on any topics	Sign up as they arrive at the meeting	2 minutes	None but within 15 minutes of the Public Q+A Period

Written Submission Process

A written submission process to Council was used in a number of municipalities to supplement in person speaking opportunities at Council meetings and as an additional opportunity for questions and comments to Council. Larger municipalities have very nuanced systems in place where public submissions are related to specific meeting agenda items/reports.

Limiting Speaker (Delegations) Numbers

Edmonton, Vancouver and Richmond do not limit the numbers of speakers wishing to speak to Council during a Council meeting. In Surrey and Burnaby, delegations (groups/organizations) wishing to speak to Council during a Council meeting have to submit an application and undergo a selection (or deferral) process. A limited number of selected delegations (typically a maximum of 2 to 3 delegations) can present during Regular Council meetings with a 10 minutes speaking time limit per delegation.

A number of other municipalities/public bodies indicated that the Public Question and Answer periods in Council meetings are limited to certain timeframes and/or that they limit the number of speakers/delegations speaking to Council. For example: The Public Question and Answer period in White Rock (Council meeting) is timed so as to not exceed 15 minutes; with Council being able to make a motion to extend the Public Question and Answer period. Langley City allows up to three delegations per Council meeting.

Elected Officials asking questions to Speakers

Municipalities have different processes in place regarding elected officials posing questions to speakers. In Edmonton, the 5 minute time limit applies to a speaker panel (a number of speakers paneled together)¹. There is no time limit set for question to delegations in Burnaby or Surrey, but the number of delegations to Council per Council meeting are limited to two to three. Richmond has no time limit for elected officials to ask questions of speakers. However, elected officials can ask clarifying questions and additional information only, but cannot enter into debate with speakers.

• Comparison¹ between a number of selected larger municipalities (Edmonton, Calgary, Surrey, Burnaby, Richmond, Vancouver). Sources: Procedural By-laws, website research and/or interviews.

¹ Can be extended by motion to additional rounds of questioning