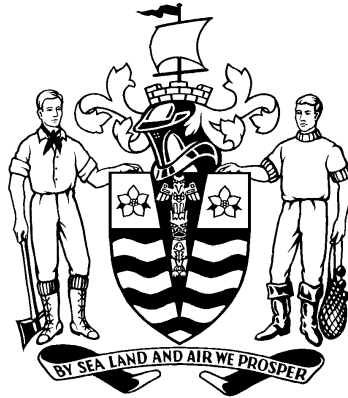


CITY OF VANCOUVER BRITISH COLUMBIA



PROCEDURE BY-LAW NO. 9756

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the City of Vancouver

(Consolidated for convenience only
to March 27, 2012)

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BY-LAW NO. 9756

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

[Consolidated for convenience only,
Amended to include By-law No. 10447,
effective March 27, 2012]

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

SECTION 1
INTERPRETATION

Name of By-law

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

Definitions

1.2 In this By-law:

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

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

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

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

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

"public 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 special meeting to consider a proposed official development plan, zoning by-law, heritage designation by-law, heritage revitalization agreement

by-law or sign by-law, pursuant to sections 562, 566, 571A, 571AA, 592 or 594 of the Vancouver Charter;

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

“referral report” means a Council report requesting that Council decide whether or not to refer a matter to public hearing;

“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; and

“speaker” means a member of the public or representative of an organization who addresses Council, a standing committee, a public hearing, or a court of revision about a specific item on the agenda of a meeting.

Reference

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

Table of contents

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

Severability

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

SECTION 2 COUNCIL MEETINGS

Regular meetings

2.1 Council must hold regular meetings:

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

First regular meeting

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

Recess or adjournment of regular meeting

2.3 Each regular meeting:

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

Special meetings

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

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

Nature of special meetings

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

Change in meeting

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

Notice of meeting

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

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

SECTION 3 AGENDA AND ORDER OF BUSINESS

Purpose of agenda

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

Contents of agenda

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

Publication of agenda

3.3 The City Clerk must:

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

Conduct of business

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

- (a) for appointment of a Chair under section 4.1(c); or
- (b) if Council resolves, by a 2/3 vote of Council members present, without debate, to change the order of business;

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

Order of business at regular meeting

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

- (a) roll call;
- (b) adoption of minutes;

- (c) items on consent;
- (d) report references;
- (e) unfinished business including items on the agenda of the immediately preceding:
 - (i) regular meeting that Council, at that meeting, did not consider or did not finish considering, and
 - (ii) standing committee meeting that the committee, at that meeting, did not finish considering;
- (f) communications;
- (g) administrative reports;
- (h) policy reports;
- (i) other reports;
- (j) by-laws;
- (k) motions;
- (l) notices of motion;
- (m) new business;
- (n) enquiries and other matters to give Council members the opportunity to ask questions about items not under debate, and to request information in the form of information memos from the City Manager.

Order of business at regular meeting following standing committee meeting

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

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

Order of business at special meeting

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

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

SECTION 4 CHAIR

Appointment of Chair

4.1 The Chair at each meeting is to be:

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

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

Points of order and privilege

4.2 At each meeting, the Chair must:

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

Motion out of order

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

- (a) is not compatible with the purposes and objects of the Vancouver Charter including the good rule and government of the City, or the health, safety, and welfare of its inhabitants;

- (b) conflicts with a law or by-law;
- (c) subject to section 9.8, conflicts with or presents substantially the same question as a motion Council has previously decided at the same meeting, or the matter is still within the control of Council because not finally disposed of;
- (d) subject to section 9.9, conflicts with a resolution previously passed and still in force;
- (e) has been referred to a committee or postponed to a later date and time;
- (f) is dilatory, incorrect, frivolous, or rude; or
- (g) fails to meet any other characteristic or condition that applies to stating a motion;

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

Statement of rule

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

Chair's status in debate

4.5 The Chair:

- (a) immediately before participating in debate, must relinquish the chair to the person next entitled, under section 4.1, to assume the chair; and
- (b) may then participate in debate on the same basis, and subject to the same rights and restrictions, as other Council members.

Expulsion

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

Return after expulsion

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

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

- (d) Council, by a 2/3 vote of Council members present, without debate, may end the expulsion.

SECTION 5 CONDUCT OF MEMBERS

Speaking

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

Rules of conduct

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

Food and beverage restrictions

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

SECTION 6 MEETING PROCEDURES

Entry on floor

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

Call to order

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

Absence of quorum

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

Minutes

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

Recommendations by blanket motion

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

Questions

6.6 At a meeting that is not a special meeting, any Council member may ask a question about a matter before Council that is not a motion, or about City affairs, but the Council member must:

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

Answers

6.7 A person who answers a question referred to in section 6.6 must:

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

Suspension of rule of order

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

Adjournment

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

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

SECTION 7 COMMITTEE OF THE WHOLE

Committee of the whole

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

Committee of the whole procedures

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

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

Rising and reporting

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

SECTION 8 REPORTS TO COUNCIL

Recommendation in report not a motion

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

Report received for information

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

SECTION 9 MOTIONS AT COUNCIL MEETINGS

Form of motion

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

Main motion

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

Seconding a motion

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

Withdrawal of motion

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

Council member’s motion restricted while main motion under debate

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

- (a) a privileged motion to:
 - (i) fix the time to which to adjourn,
 - (ii) adjourn the meeting,
 - (iii) recess the meeting, or
 - (iv) raise a point of privilege;

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

Raising of incidental motion

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

Adjournment

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

Reconsideration of the vote on a motion at same meeting

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

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

- (f) Council must not reconsider the vote on a motion to reconsider an original motion;

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

Rescission of resolution at subsequent meeting

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

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

Reconsideration of failed motion in previous 365 days of current term

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

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

Resubmission of failed motion after current term or 365 days

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

**SECTION 10
MEMBERS' MOTIONS**

Council member's notice of motion for future meeting

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

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

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

Council member's motion as new business

- 10.3 If a Council member wishes to move a motion at a regular meeting as new business:
- (a) the Council member may do so only at a regular meeting that does not follow a standing committee meeting;
 - (b) the Council member must first deliver to the City Clerk, at the meeting, a written copy of the motion;

- (c) the City Clerk must distribute a copy of the motion to each Council member; and
- (d) before debate begins, any Council member may call for notice of the motion, in which case:
 - (i) the calling of the notice is not debatable, and
 - (ii) the Chair must place the motion on the agenda for the next regular meeting.

Council member's motion urgent

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

Chair's ruling on urgent motion

10.5 If the Chair rules that a motion referred to in section 10.4 is:

- (a) urgent, Council must deal with the motion at the same meeting;
- (b) not urgent, section 10.1 applies.

Moving Council member's motion

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

SECTION 11 DEBATE ON MOTIONS

Speaking to motion

11.1 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

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

Reading of motion

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

SECTION 12 VOTING AT COUNCIL MEETINGS

Separate voting on issues

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

Voting on amendments

12.2 Council must vote on amendments to main motions:

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

Limitation on amendments

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

Call for vote

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

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

Voting protocol

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

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

Voting procedure

12.6 The Chair must:

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

Carrying of the vote

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

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

Standing, select, and Council committee procedures

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

Standing committee Chair

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

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

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

Order of business at standing committee meeting

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

- (a) roll call;
- (b) adoption of minutes;

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

Motion at standing committee

13.4 At a standing committee meeting:

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

Resolution at standing committee non-binding

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

Report to Council

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

Public delegation's permission to speak

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

Public delegation's time limit for speaking

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

Question to public delegation

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

**SECTION 14
ADVISORY COMMITTEES AND OTHER BODIES**

Advisory committee term

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

Advisory committee procedures

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

Particulars of advisory committees

14.3 In appointing an advisory committee, Council may:

- (a) adopt terms of reference for the advisory committee including:
 - (i) the purpose of the advisory committee,
 - (ii) the composition of the members,
 - (iii) the length of each member's term,
 - (iv) a requirement for the advisory committee to report either to Council or to staff,
 - (v) the frequency and scheduling of meetings, and
 - (vi) a statement from the City Clerk identifying the staff and other resources the advisory committee will require for support;
- (b) name the advisory committee members; and
- (c) appoint a Chair.

First advisory committee meeting

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

Quorum at advisory committee meetings

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

Appointment of advisory committee Chair

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

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

Council members at advisory committee meetings

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

City Clerk's duties re advisory committees

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

- (a) record the minutes of each meeting; and
- (b) distribute the minutes prior to the meeting at which the advisory committee is to adopt them.

Tie vote in advisory committee

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

Committee resolutions

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

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

no resolution passed by the advisory committee will bind the City.

Advisory committee reports

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

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

Dissenting advisory committee reports

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

Comment on advisory committee reports

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

Other bodies

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

SECTION 15 BY-LAWS

By-law circulation

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

By-law reading

15.2 If requested by at least three Council members, the City Clerk, at the meeting that considers the proposed by-law, must read its title and contents.

By-laws by blanket motion

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

By-law by separate motion

15.4 If a Council member, under section 15.3, has requested debate or a separate vote on a particular proposed by-law:

- (a) the motion to enact proposed by-laws by reference to their agenda reference numbers will be deemed to exclude the particular proposed by-law;
- (b) after the vote, under section 15.3, on the group of by-laws referred to by their agenda reference numbers, a Council member may move enactment of the particular proposed by-law; and
- (c) Council members may debate or amend the particular proposed by-law.

By-law signing

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

SECTION 16 COMMUNICATIONS

Legibility of communications

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

Disposition of communications

16.2 The City Clerk must deal with any communication intended for Council that meets the requirements of section 16.1 by:

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

SECTION 17 BUSINESS LICENSE AND CHAUFFEUR'S PERMIT HEARINGS

Notice of intention to appeal

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

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

Notice of hearing

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

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

Request for interpreter

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

Existence of section 277.1 delegation

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

Quorum

17.5 The quorum for a section 277.1 delegation is three.

Call to order

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

Absence of quorum

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

Conduct of hearing

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

Opportunity to be heard

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

Absence of interested person from appeal

17.10 If an interested person fails to appear at a hearing by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 17.2, Council or the section 277.1 delegation may treat the appeal as abandoned by the interested person.

Absence of interested person from hearing

17.11 If an interested person fails to appear at a hearing other than by way of appeal on the date and at the time and place stipulated in the notice of hearing under section 17.2, Council or the section 277.1 delegation may proceed with the hearing in the absence of the interested person.

Recording of the hearing

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

Decision

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

SECTION 18 PUBLIC HEARINGS

Public hearing procedures

18.1 The definitions in this By-law and the relevant provisions of sections 2, 4, 5, 6, 7, 8, 9, 11 and 12 are to apply to public hearings, except as this Section 18 otherwise sets out.

Council questions on referral report

18.2 At a regular 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

18.3 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 referral report.

Requests to speak and public comments prior to public hearing

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

- (a) apply to the City Clerk to speak at the public hearing; and
- (b) submit public comments to the City Clerk in accordance with this Section 18.

Speakers list

18.5 The City Clerk will register all persons who apply to speak at the public hearing, on the speakers list.

Acknowledgment of public comments

18.6 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 a contact person.

Circulation and posting of public comments

18.7 The City Clerk will:

- (a) prepare a file 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 p.m. on the day which is three (3) business days preceding the public hearing;
- (b) circulate the contents of the file 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 file 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

18.8 Public comments and any subsequent staff memos proposing amendments, received by the City Clerk after circulation and posting in accordance with subsection 18.7, and before the close of public comments in accordance with subsections 18.23 and 18.24, will be added to the file, circulated to Council, and posted on the City website prior to any Council motion regarding the proposed by-law.

Public hearing file

18.9 The City Clerk will make the file for each agenda item available for public reference at the public hearing.

Deadline for public comments

18.10 Public comments received by the City Clerk later than fifteen minutes after the close of the speakers list will not be circulated to Council.

Author of public comments

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

Personal information

18.12 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

18.13 The order of business at a public hearing is to be:

- (a) roll call;
- (b) motion to go into committee of the whole;
- (c) opening instructions regarding speakers and public comments; and
- (d) 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 18.23 and 18.24,

(xii) debate, and

(xiii) motion.

Authority of the Chair

18.14 The Chair:

- (a) will ensure that speakers limit their remarks to matters related to the proposed by-law;
- (b) must make a motion to recess for not more than 5 minutes during each hour of a public hearing to provide a break for participants;
- (c) 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 report in accordance with subsection 18.25 or subsection 18.26;
- (d) 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 subsections 18.23 and 18.24; and
- (e) 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

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

Commencement of delayed public hearing

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

Absence of quorum

18.17 If, 30 minutes after the public hearing is scheduled to start, no quorum is present, the City Clerk must read the roll, record the result in the minutes, and declare the public hearing cancelled.

Time limit for speaker

18.18 A speaker who is speaking on his or her own behalf, or on behalf of a corporation, society or other organization must not speak at a public hearing for more than five minutes in total nor more than once.

Interpreter

18.19 A speaker who requires the assistance of an interpreter must provide one.

Representative speaker

18.20 A speaker may only speak on behalf of other persons or organizations if:

- (a) the speaker represents three or more other persons, three or more other organizations, or three or more other persons and organizations; and
- (b) those represented are also present at the public hearing, either in person or by a representative of each corporation or organization represented by the speaker.

Time limit for representative speaker

18.21 A speaker who represents three or more other persons or organizations, must not speak at a public hearing for more than eight minutes in total nor more than once.

Question to speaker

18.22 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

18.23 Despite the provisions of subsection 18.4, 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

18.24 Despite the provisions of subsection 18.4, 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 after absence during day or last day of public hearing

18.25 A Council member who is not present for part of a public hearing which is concluded in one day, or for part of the last day of a public hearing which lasts longer than one day, may only vote on a motion regarding amendment or approval in principle of the proposed by-law if the Council member first receives and reviews a public hearing summary report during a 10 minute recess called for that purpose, provided that the public hearing summary report can be reasonably presented within 10 minutes.

Vote after absence during continuing public hearing

18.26 A Council member who is not present for a part of a public hearing which lasts longer than one day, other than the last day, may only vote on a motion regarding amendment or approval in principle of the proposed by-law if:

- (a) the Council member first receives and reviews a public hearing summary report during a 10 minute recess called for that purpose, provided that the public hearing summary report can be reasonably presented within 10 minutes; or
- (b) the Council member otherwise receives and reviews a public hearing summary report, which must include the video recording of the part of the public hearing conducted in the absence of a Council member.

Absence from public hearing

18.27 A Council member who is absent for all of a public hearing may not vote on a motion regarding amendment or approval in principle of the proposed by-law.

**SECTION 19
REPEAL AND ENACTMENT**

Repeal

19.1 Council repeals By-law No. 8554.

Enactment

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

ENACTED by Council this 25th day of November, 2008

Signed _____ "Sam Sullivan"
Mayor

Signed _____ "Marg Coulson"
City Clerk