

NO: R116

COUNCIL DATE: June 13, 2022

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 9, 2022**

FROM: **General Manager, Corporate Services**

FILE: **3900-20-15300**

SUBJECT: **Proposed Amendments to *Council Procedure By-law, 2004, No. 15300***

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed amendments to the *Council Procedure By-law, 2004, No. 15300*, as summarized in Appendix "I" and reflected within the *Council Procedure By-law, 2004, No. 15300*, as documented in Appendix "II" of this report (the "Amendments");
3. Direct the City Clerk to give public notice in the form of newspaper advertisement, once a week for two consecutive weeks, of the proposed *Council Procedure By-law, 2004, No. 15300, Amendment Bylaw, 2020, No. 20660*; and
4. Authorize the City Clerk to bring forward the *Council Procedure By-law, 2004, No. 15300, Amendment Bylaw, 2020, No. 20660* for the required readings.

INTENT

The purpose of this report is to bring forward for Council's consideration amendments to the *Council Procedure By-law, 2004, No. 15300* (the "Bylaw") to allow for electronic meetings for Council and Council Committee Meetings. In addition, a number of unrelated amendments are required to the Bylaw as outlined in this report.

BACKGROUND

At the May 30, 2022 Regular Council Public Hearing (which was recessed and reconvened on June 1, 2022), Council adopted a resolution directing staff to bring forward proposed amendments to the Bylaw which authorize the City to conduct electronic Council Meetings at the discretion of Council.

During the COVID-19 pandemic and the state of emergency declared by the Province to deal with the pandemic, the Province allowed for local governments to conduct electronic meetings. Previously, local governments were only authorized to conduct a Special Meeting in electronic format if their Council Procedure Bylaw allowed this.

The authority for conducting all meetings electronically, under the state of emergency ended as of September 28, 2021, and on September 29, 2021, the Province enacted amendments to the *Community Charter* allowing for local governments to conduct electronic meetings if their Council Procedure Bylaw allows for it.

Local governments are encouraged by the Province to consider whether there are circumstances where electronic meetings may be beneficial for the community as there have been advantages including enhanced transparency and accessibility offered to residents through electronic meetings. Local circumstances that affect the decision to hold electronic meetings include population size, available technology, as well as improved accessibility and flexibility.

DISCUSSION

With the new Provincial legislation in effect as of September 29, 2021, local governments may amend their procedure bylaw to allow for electronic meetings. Many municipalities within BC have amended their bylaws accordingly to allow for electronic meetings.

Electronic Meetings

An electronic Council Meeting is a meeting where all members of a council may participate electronically, and where the public is allowed to attend electronically. Similarly, an electronic Committee Meeting is a meeting where all members of a standing, select, or other committee of Council may participate electronically, with the public attending electronically.

Council Meetings have been held electronically during the state of emergency and this has offered flexibility and accessibility to meetings during the pandemic. If Council wishes to allow for electronic meetings in the future, provisions must be included in the Bylaw regarding electronic meetings.

Criteria to Hold a Meeting Electronically

There are options when considering when a meeting may be held electronically, and this varies from having no limits on electronic meetings to only allowing electronic meetings in emergency situations. Alternatively, it may be left to the call of the Chair to determine when a meeting will be held electronically.

It is recommended that in order to ensure accessibility and flexibility Council consider identifying and authorizing any meetings it wishes to conduct electronically over the next year. Once the annual schedule is finalized, Council will have the authority to switch scheduled in-person meetings to electronic meetings (and vice-versa) so long as appropriate public notices are given. This approach allows for the flexibility to conduct meetings electronically based on the judgment of Council, but in compliance with applicable legislation.

For example:

- Regular Council Meetings can generally be switched to an electronic format if Council resolves to do so at least 24 hours in advance of the meeting; and

- for public hearings, Council may only switch to an electronic format by resolving to do so at least 21 days prior to the public hearing in order to comply with legislation concerning notices for public hearings.

In addition to Regular Council Meetings, the amendments will allow closed Council Meetings, Special Council Meetings, Council Committee Meetings, and Council-in-Committee Meetings to be conducted electronically where Council so resolves.

Additional Amendments to the Bylaw

In addition to the above, staff recommend that the following complementary housekeeping amendments be included:

- An update to the date of the inaugural meeting of Council;
- Flexibility for meeting start times; and
- Clarification on the process for posting public notices, and notices for special Council Meetings.

Inaugural Meeting of Council

It is requested that the Bylaw be updated to align with the *Community Charter* amendments prior to the 2018 election whereby the date of the inaugural meeting was amended so that the first regular Council Meeting take place within the first 10 days of November following a general local election. This change reflects the amendment to the *Local Government Act* that moved the general local election from November to October.

Flexibility for Council Meeting Start Time

As the City continues to grow and develop, the volume of business coming before Council has increased and Council meetings have extended longer and later in the evening than in previous years, including when the City conducted electronic Council meetings during the pandemic. To better manage this volume of business and better accommodate the public to participate in Council Meetings and Public Hearings, it is requested that there be flexibility to the start time of a Regular Council Meeting and a Regular Council Public Hearing Meeting. Currently the start time for these meetings is 7:00 pm. By allowing flexibility for a start time between 1:00 pm and 7:00 pm, there will be flexibility to better schedule Council Meeting start and end times to better accommodate all participants.

Amendments Pertaining to Notices

The Amendments will clarify that public notices may be posted on the City's website, as well as physically at City Hall. The Amendments also include housekeeping provisions related to notices for Special Council Meetings.

Public Notice and Bylaw Readings

Under section 124(3) of the *Community Charter*, public notice must be given of an amendment to the *Council Procedure By-law, 2004, No. 15300*. Staff therefore recommend that Council grant three readings to *Council Procedure By-law, 2004, No. 15300, Amendment Bylaw, 2020, No. 20660* at the first Council Meeting and direct that notice be provided in the usual course in the newspapers once a week for two consecutive weeks before final adoption of the Bylaw is granted at the next available Council Meeting.

The Amendments as outlined in this report are contained in Appendix "II".

Legal Services Review

Legal Services has reviewed this report and has no concerns.

CONCLUSION

This report follows Council's direction to bring forward amendments the *Council Procedure By-law, 2004, No. 15300* to allow for electronic meetings for Council and Committee Meetings, as well as general housekeeping changes that are requested with respect to the date of the inaugural meeting of Council and flexibility for meeting start times.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": Summary of Proposed Amendments to *Council Procedure By-law, 2004, No. 15300*
Appendix "II": Proposed *Council Procedure By-law, 2004, No. 15300* Amendments as shown in the
Council Procedure By-law, 2004, No. 15300

**Summary of the Proposed Amendments to
Council Procedure By-law, 2004, No. 15300**

1. The "Council Procedure By-law, 2004, No. 15300", as amended, is hereby further amended as follows:
 - (a) Section 2, Definitions, is amended by:
 - i. inserting the following definitions between the existing definitions of "Council" and "Mayor":

“Electronic Committee Meeting” means a Committee meeting where attending Committee members and the attending public are present by electronic or other communication facilities and the meeting is conducted by means of such electronic or other communication facilities;

“Electronic Council Meeting” means a Council meeting where attending Council Members and the attending public are present by electronic or other communication facilities and the meeting is conducted by means of such electronic or other communication facilities;
 - ii. adding the word ‘and’ to the end of the definition “Member” or “Council Member”;
 - iii. adding the words ‘and the City’s website.’ to the end of the definition “Public Notice Posting Place”.
 - (b) Section 4, Notice of Council Meeting Schedule, is amended by:
 - i. inserting the words ‘and Changes’ after the word ‘Schedule’ in the section title;
 - ii. adding the following as subsection (4):
 - (4) Where Council resolves to change the manner in which a Regular Council Land Use, Regular Council or Regular Council Public Hearing is conducted, the City Clerk must, as soon as possible, post a notice at the Public Notice Posting Place a notice that includes the following:
 - (a) The manner of conducting the meeting that has been changed;
 - (b) The date and time of the meeting; and
 - (c) The information required under section 11.5 of this Bylaw, if applicable.

- (c) Section 5, Inaugural Meeting, is amended by replacing the word 'December' with the word 'November'.
- (d) Section 6, Regular Land Use, subsection (1) is amended by adding the words 'or to hold the meeting as an Electronic Council meeting' after the word 'elsewhere'.
- (e) Section 7, Regular Council:
 - i. subsection (1) is amended by adding the words 'or to hold the meeting as an Electronic Council Meeting' after the word 'elsewhere';
 - ii. subsection (2)(b) is amended by replacing the words 'be held at' with 'start between 1:00 p.m. and'.
- (f) Section 8, Regular Council Public Hearing:
 - i. subsection (1) is amended by adding the words 'or to hold the meeting as an Electronic Council Meeting' after the word 'elsewhere'.
 - ii. subsection (2)(b) is amended by replacing the words 'be held at' with 'start between 1:00 p.m. and'
- (g) Section 10, Special Council Meetings, subsection (c) is amended by adding the words ', or sending by email a copy of the notice to the Council member's City of Surrey email address' after the word 'member'.
- (h) Adding 'PART 2A: ELECTRONIC MEETINGS' and the following sections between section 11 and PART 3: COUNCIL MEETING AGENDAS:

"Electronic Council Meetings

- 11.1 A Council meeting may be conducted as an Electronic Council Meeting.
- 11.2 When Council considers the schedule of Regular Council meetings for the next year, as submitted pursuant to section 3(2) of this Bylaw, Council may determine that certain meetings will be an Electronic Council Meeting.
- 11.3 By resolution of Council, no less than 24 hours prior to the scheduled start of a meeting, Council may change any scheduled Council meeting to an Electronic Council Meeting.
- 11.4 After Council has adopted a resolution under section 11.3 of this Bylaw, the City Clerk shall give notice of the change in accordance with section 4(4) of this Bylaw.
- 11.5 The public notice of an Electronic Council Meeting shall:

- (a) include information on the way in which the meeting is to be conducted by means of electronic or other communications facilities; and
- (b) include information on how to access the meeting through the use of such electronic or other communication facilities, such as the telephone number to call and the online platform and meeting identification number or web address.

Electronic Public Hearings

- 11.6 A public hearing may be conducted as an Electronic Council Meeting.
- 11.7 Notwithstanding section 11.3 of this Bylaw, Council may only change a scheduled in-person public hearing to an Electronic Council Meeting by adopting a resolution at least 21 days in advance of the scheduled public hearing.
- 11.8 For the purposes of providing notice of a public hearing to be conducted in accordance with section 11.6 of this Bylaw:
 - (a) any notice of the public hearing must include the information set out in section 11.5 of this Bylaw;
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available on the City's website or otherwise by means of electronic or other communication facilities; and
 - (c) the place of a public hearing means the identified means of electronic or other communication facilities.

Closed Electronic Council Meetings

- 11.9 A Closed Council meeting may be conducted as an Electronic Council Meeting if the requirements of Sections 90, 91 and 92 of the *Community Charter* are met. A resolution for the purposes of Section 92 of the *Community Charter* may be adopted at an Electronic Council Meeting or at an in-person meeting.

Electronic Special Council Meetings

- 11.10 A Special Council Meeting may be conducted as an Electronic Council Meeting pursuant to section 128.1 of the *Community Charter* and, unless waived by unanimous vote of all members of Council, notice of such a Special Council Meeting will be given in accordance with section 10 and section 11.5 of this Bylaw.

- 11.11 The vote to waive the notice of a Special Council Meeting under sections 10 and 11.10 of this Bylaw may be made by the Council member in an email to the City Clerk, and notice of the waiver posted by the City Clerk at the Public Notice Posting Place.
- 11.12 If notice of a Special Council Meeting to be conducted as an Electronic Meeting has not been waived, the public notice shall be given in accordance with section 11.5.

Council-in-Committee Meetings

- 11.13 Council-in-Committee Meetings may be conducted in the manner of an Electronic Council Meeting.

Deemed Attendance

- 11.14 Council Members who are participating in an Electronic Council Meeting conducted in accordance with this Part are deemed to be present at the meeting.

Applicability of the Bylaw

- 11.15 Where any meeting, including a public hearing, is conducted as an Electronic Council Meeting, the conduct of the meeting may follow the other Parts of this Bylaw applicable to an in-person meeting as adapted and to the extent that they are suitable for meetings conducted by means of electronic or other communication facilities. Nothing in this Bylaw precludes Council from changing an electronic meeting to an in-person meeting.

Electronic Committee Meetings

- 11.16 An Electronic Committee Meeting may be held at the call of and in the manner determined by the Chair of the Committee, unless Council resolves otherwise.
- 11.17 The public notice of an Electronic Committee Meeting shall include information concerning the way in which the meeting is to be conducted by means of electronic or other communications facilities.
- 11.18 An Electronic Committee Meeting shall follow the rules of Part Fifteen of this Bylaw, as applicable.”

CITY OF SURREY

COUNCIL PROCEDURE BY-LAW NO. 15300

As amended by By-law No: 16011, 05/08/06; 19513, 03/12/18; 20056, 04/20/20

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PART ONE: INTRODUCTION

Title

1. This By-law may be cited as "Council Procedure By-law, 2004, No.15300".

Definitions

2. In this By-law,

"Chair" means Presiding Officer;

"City" means the City of Surrey;

"City Hall" means City Hall located at 13450 – 104 Avenue, Surrey, British Columbia;

"City Manager" means Chief Administrative Officer;

"City Clerk" means Corporate Officer;

"Code of Conduct" means the standards applicable to members of Council of the City of Surrey, as set out in the Council Code of Conduct bylaw, as may be amended or replaced from time to time;

"Commissioner" means the individual or body established by Council to investigate and report on complaints arising from a member of Council's conduct under the Code of Conduct;

"Committee" means a standing, select, or other committee of Council;

"Corporate Officer" means the Corporate Officer for the City;

"Council" means the Council of the City of Surrey;

"Electronic Committee Meeting" means a Committee meeting where attending Committee members and the attending public are present by electronic or other communication facilities and the meeting is conducted by means of such electronic or other communication facilities;

"Electronic Council Meeting" means a Council meeting where attending Council Members and the attending public are present by electronic or other communication facilities and the meeting is conducted by means of such electronic or other communication facilities;

"Mayor" or "Presiding Officer" means the Mayor of the City of Surrey, and includes a Councillor acting as Mayor;

"Member" or "Council member" means a voting member of the Council, including the Mayor or any Councillor; **and**

"Public Notice Posting Place" means the bulletin board in the main floor lobby at City Hall **and the City's website.**

PART TWO: COUNCIL MEETINGS

Council Schedule

3. (1) Council's meeting schedule shall include Regular Council Land Use, Regular Council, and Regular Council Public Hearing.
- (2) In December of each year, the City Clerk shall submit to Council, for Council approval prior to December 20, a schedule of regular Council meetings for the following year.
- (3) Council may resolve to add meetings or delete them from its schedule, as needed.
- (4) No meeting shall be scheduled during the month of August.

Notice of Council Meeting Schedule **and Changes**

4. (1) Upon approval by Council of a schedule of Council meetings for the following year, the approved schedule of the dates, times and places of Regular Council meetings for the following year, shall be posted at the Public Notice Posting Place.
- (2) Council must give notice annually, on or before December 31, of the time and duration that the schedule of Regular Council meetings will be made available to the public.
- (3) Where revisions are necessary to the annual schedule of Regular Council Land Use, Regular Council and Regular Council Public Hearing meetings, the City Clerk must, as soon as possible, post a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a Regular Council Land Use, Regular Council or Regular Council Public Hearing meeting.
- (4) **Where Council resolves to change the manner in which a Regular Council Land Use, Regular Council or Regular Council Public Hearing is conducted, the City Clerk must, as soon as possible, post a notice at the Public Notice Posting Place a notice that includes the following:**
 - (a) **The manner of conducting the meeting that has been changed;**
 - (b) **The date and time of the meeting; and**
 - (c) **The information required under section 11.5 of this Bylaw, if applicable.**

Inaugural Meeting

5. Following a general local election, the first Council meeting must be held on the first Monday in ~~December~~**November**.

Regular Council Land Use

6. (1) Regular Council Land Use meetings must be held in the Council Chamber at City Hall, unless Council resolves to hold meetings elsewhere **or to hold the meeting as an Electronic Council Meeting.**
- (2) Regular Council Land Use meetings must:
 - (a) be held at least once a month (except in the month of August) on a Monday afternoon; and
 - (b) be held between the hours of 1:00 p.m. to 6:00 p.m. with the City Clerk establishing the start time of the meeting on the Friday immediately preceding the Monday meeting.

Regular Council

7. (1) Regular Council meetings must be held in the Council Chamber at City Hall, unless Council resolves to hold meetings elsewhere **or to hold the meeting as an Electronic Council Meeting.**
- (2) Regular Council meetings may:
 - (a) be held as required (except in the month of August) on a Monday evening; and
 - (b) ~~be held at start~~ **between 1:00 p.m. and** 7:00 p.m.

Regular Council Public Hearing

8. (1) Regular Council Public Hearing meetings must be held in the Council Chamber at City Hall, unless Council resolves to hold meetings elsewhere **or to hold the meeting as an Electronic Council Meeting.**
- (2) Regular Council Public Hearing meetings must:
 - (a) be held at least once a month (except in the month of August) on a Monday evening; and
 - (b) ~~be held at start~~ **between 1:00 p.m. and** 7:00 p.m.

Closed Council Meetings

9. (1) Closed Council meetings may be held as required.
- (2) In order to close a meeting to the public, the requirements of Section 90 of the *Community Charter* must be met.

Special Council Meetings

10. Special Council meetings are Council meetings other than statutory, regular or adjourned meetings. Special Council meetings may be called in accordance with Section 126 of the *Community Charter* and, unless waived by unanimous vote of all members of Council, notice of a Special Council meeting must be given at least 24 hours before the time of the meeting by:
 - (a) posting a copy of the notice on the Council Chamber doors at City Hall;
 - (b) posting a copy of the notice at the Public Notice Posting Place at City Hall; and
 - (c) sending by fax or courier a copy of the notice to the home of each Council member, **or sending by email a copy of the notice to the Council member's City of Surrey email address.**

Council-in-Committee Meetings

11. Council-in-Committee meetings shall be held as required on a Monday afternoon and shall be for the purpose of hearing public delegations and considering other items such as corporate reports and information items. All recommendations from Council-in-Committee must be adopted at a Regular Council meeting.

PART 2A: ELECTRONIC MEETINGS

Electronic Council Meetings

- 11.1 **A Council meeting may be conducted as an Electronic Council Meeting.**
- 11.2 **When Council considers the schedule of Regular Council meetings for the next year, as submitted pursuant to section 3(2) of this Bylaw, Council may determine that certain meetings will be an Electronic Council Meeting.**
- 11.3 **By resolution of Council, no less than 24 hours prior to the scheduled start of a meeting, Council may change any scheduled Council meeting to an Electronic Council Meeting.**
- 11.4 **After Council has adopted a resolution under section 11.3 of this Bylaw, the City Clerk shall give notice of the change in accordance with section 4(4) of this Bylaw.**
- 11.5 **The public notice of an Electronic Council Meeting shall:**
 - (a) **include information on the way in which the meeting is to be conducted by means of electronic or other communications facilities; and**
 - (b) **include information on how to access the meeting through the use of such electronic or other communication facilities, such as the telephone number to call and the online platform and meeting identification number or web address.**

Electronic Public Hearings

- 11.6 **A public hearing may be conducted as an Electronic Council Meeting.**

- 11.7 Notwithstanding section 11.3 of this Bylaw, Council may only change a scheduled in-person public hearing to an Electronic Council Meeting by adopting a resolution at least 21 days in advance of the scheduled public hearing.
- 11.8 For the purposes of providing notice of a public hearing to be conducted in accordance with section 11.6 of this Bylaw:
- (a) any notice of the public hearing must include the information set out in section 11.5 of this Bylaw;
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available on the City's website or otherwise by means of electronic or other communication facilities; and
 - (c) the place of a public hearing means the identified means of electronic or other communication facilities.

Closed Electronic Council Meetings

- 11.9 A Closed Council meeting may be conducted as an Electronic Council Meeting if the requirements of Sections 90, 91 and 92 of the *Community Charter* are met. A resolution for the purposes of Section 92 of the *Community Charter* may be adopted at an Electronic Council Meeting or at an in-person meeting.

Electronic Special Council Meetings

- 11.10 A Special Council Meeting may be conducted as an Electronic Council Meeting pursuant to section 128.1 of the *Community Charter* and, unless waived by unanimous vote of all members of Council, notice of such a Special Council Meeting will be given in accordance with section 10 and section 11.5 of this Bylaw.
- 11.11 The vote to waive the notice of a Special Council Meeting under sections 10 and 11.10 of this Bylaw may be made by the Council member in an email to the City Clerk, and notice of the waiver posted by the City Clerk at the Public Notice Posting Place.
- 11.12 If notice of a Special Council Meeting to be conducted as an Electronic Meeting has not been waived, the public notice shall be given in accordance with section 11.5.

Council-in-Committee Meetings

- 11.13 Council-in-Committee Meetings may be conducted in the manner of an Electronic Council Meeting.

Deemed Attendance

- 11.14 Council Members who are participating in an Electronic Council Meeting conducted in accordance with this Part are deemed to be present at the meeting.

Applicability of the Bylaw

11.15 Where any meeting, including a public hearing, is conducted as an Electronic Council Meeting, the conduct of the meeting may follow the other Parts of this Bylaw applicable to an in-person meeting as adapted and to the extent that they are suitable for meetings conducted by means of electronic or other communication facilities. Nothing in this Bylaw precludes Council from changing an electronic meeting to an in-person meeting.

Electronic Committee Meetings

11.16 An Electronic Committee Meeting may be held at the call of and in the manner determined by the Chair of the Committee, unless Council resolves otherwise.

11.17 The public notice of an Electronic Committee Meeting shall include information concerning the way in which the meeting is to be conducted by means of electronic or other communications facilities.

11.18 An Electronic Committee Meeting shall follow the rules of Part Fifteen of this Bylaw, as applicable.

PART 3: COUNCIL MEETING AGENDAS

Council Meeting Agendas

12. Prior to each:

- (a) Regular Council Land Use meeting;
- (b) Regular Council meeting;
- (c) Regular Council Public Hearing meeting;

the City Clerk, in consultation with the Mayor and City Manager, must prepare an agenda of all items to be considered by Council at such meetings, and Council must proceed in the order set out, unless that order is varied by Council.

The agendas for the Council meetings may be structured as follows:

- (a) Regular Council Land Use – may consist of items mainly relating to land use issues.
- (b) Regular Council – may consist of any items of interest to Council or requiring Council action/direction.
- (c) Regular Council Public Hearing – immediately after the adoption of minutes, under Delegations – Public Hearing, Council will hear from any persons wishing to speak to any of the by-laws scheduled for public hearing. The agenda for Regular Council Public Hearing may also include any items of interest to Council or requiring Council action/direction.
- (d) Special Council meetings – shall include only those items which are included in the notice of such meeting. Other business may be considered at the discretion of the Chair or a two-thirds majority vote of those present. In the case of Special Closed meetings, the only items that may be considered must fall under Section 90 of the *Community Charter*, and have been stated in the notice.

Availability of Council Meeting Agendas

13. The agenda of Council meetings must be made available to the public as follows:
 - (a) Regular Council Land Use – on the Friday of the week preceding each such meeting.
 - (b) Regular Council – on the Friday of the week preceding each such meeting.
 - (c) Regular Council Public Hearing – on the Friday of the week preceding each such meeting.

All agendas must be posted at the Public Notice Posting Place as soon as available on the Friday of the week preceding such meeting.

Council Meeting Agenda Additions and Deletions

14. Council may, at the beginning of a Council meeting, add or delete any items from the agenda of that meeting, provided a resolution to add or delete the item, is adopted.

PART 4: DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

Method of Designation

15.
 - (1) Annually, in December of each year, Council must, from amongst its members, designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
 - (2) Each member shall serve for a period of up to two months.
 - (3) Each Councillor designated under section 15(1) must fulfill the responsibilities of the Mayor in his or her absence.
 - (4) If both the Mayor and the member designated under section 15(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
 - (5) The member designated under section 15(1) or chosen under section 15(4), has the same powers and duties as the Mayor in relation to the applicable matter.

PART FIVE: OPENING OF COUNCIL MEETING PROCEEDINGS

Quorum of Council

16. A quorum of Council is 5 members of Council.

Call to Order

17.
 - (1) As soon after the time specified for a meeting as there is a quorum present, the Mayor must take the chair and call the Council meeting to order, however, where the Mayor is absent, the acting Mayor must take the chair and call such meeting to order.

- (2) Where neither the Mayor nor the acting Mayor are present 10 minutes after the time specified for a Council meeting, the City Clerk must call the members to order, and if a quorum is present, the members must choose a member to chair the Council meeting until the arrival of the Mayor or acting Mayor.
- (3) If a quorum is not present 15 minutes after the time specified for a Council meeting, the City Clerk must record the names of the members present and that Council meeting is deemed to have been cancelled.

PART SIX: MINUTES OF COUNCIL AND COMMITTEES/BOARDS/COMMISSIONS

Minutes of Council and Council Committee Meetings - General

18. Minutes of all Council and Council Committee meetings must be taken by the City Clerk or his or her designate.

Required Content – Council Minutes

19. (1) Minutes of Closed Council, Regular Council Land Use, Regular Council and Regular Council Public Hearing meetings must:
 - (a) contain a heading;
 - (b) contain a brief description of the item before Council; and
 - (c) record all resolutions adopted by Council on the item, and if no resolution, note that no action was taken by Council, or note that the item was deferred or not in order.
- (2) No discussion will be recorded in the minutes, except in Regular Council Public Hearing minutes, where a brief overview of the issues raised by each speaker shall be recorded.

Required Content – Committee/Board/Commission Minutes

20. (1) Minutes of Closed and Open Committee/Board Commission meetings must:
 - (a) contain a title/heading;
 - (b) contain a brief description of the item before the Committee; and
 - (c) record all resolutions adopted by the Committee on the item, and if no resolution, note that no action was taken by the Committee, or note that the item was deferred or not in order.
- (2) Discussion will be recorded in the minutes.

Circulation of Minutes

21. Not less than 48 hours before each Regular Council meeting, the City Clerk must provide to each member a copy of the minutes of:
 - (a) the last Regular Council Land Use meeting;
 - (b) the last Regular Council meeting;

- (c) the last Regular Council Public Hearing meeting; and
- (d) any committee, board or commission meetings,

for their adoption, and in the case of (d), receipt and adoption of recommendations, if applicable.

Following the adoption of the minutes, all minutes will be signed by the Presiding Officer, and signed and certified correct by the City Clerk.

Closed Meeting Minutes

22. Not less than 48 hours before each Council meeting, the City Clerk must provide to each member, a copy of the minutes of:

- (a) the last Closed Council meeting;
- (b) any closed committee, board or commission meetings,

for their adoption, and in the case of (b), receipt and adoption of recommendations, if applicable.

Following the adoption of the minutes, all minutes will be signed by the Presiding Officer, and signed and certified correct by the City Clerk.

PART SEVEN: RULES OF CONDUCT IN COUNCIL MEETINGS

Addressing Mayor and Council

23. Every member must, while in a Council meeting:

- (a) address the Mayor as "Mr. Mayor", or as "Madam Mayor", whichever is the case, or as "Your Worship", and must refer to the members as "Councillor"; and
- (b) abide by the ruling of the Mayor on points of order and the interpretation of this by-law, subject to the right of appeal of such ruling under Section 31.

Rules of Decorum

24. While in a Council meeting, a member must not:

- (a) speak disrespectfully of any person;
- (b) use words which are offensive; or
- (c) disturb or interrupt the member who is speaking except to raise a point of order.

- 24.1 While in a Council meeting, a member must comply with the Code of Conduct.

Authority of the Chair Regarding Conduct of Members

25. Where in the opinion of the Chair, a member contravenes the provision of Section 24, the Chair may:

- (a) inform the member of the alleged contravention of the Code of Conduct;
- (b) ask the member to cease the behavior contravening the Council Code of Conduct; and

- (c) request an apology from the member.

If a member is dissatisfied with the resolution of the matter at the meeting, the member may refer the matter to the Commissioner in accordance with the provisions of the Code of Conduct.

- 26. If a member refuses to apologize after a request from the Chair, the Chair may order the member to leave the meeting. If a member ordered by the Chair to leave the Council Chambers refuses to leave the meeting, a peace officer may enforce the order as if it were a court order. Notwithstanding an order from the Chair that a member must leave the meeting, Council may by a majority vote permit the member to resume his or her seat in the meeting.

PART EIGHT: RULES OF DEBATE IN COUNCIL MEETINGS

Debating Motions

- 27. (1) A Council member who wishes to speak or make a motion at a meeting shall wait to be recognized by the Presiding Officer.
- (2) The Council member who moves a motion shall be entitled to speak on it for the first time in preference to other members, but shall not have the right of speaking last.
- (3) Each Council member shall be entitled to speak up to two times on each debatable motion – each time no longer than four minutes, except when granted permission by Council to exceed these limits.
- (4) A Council member who wishes to speak for the second time on the same motion shall wait until those who wish to speak on it for the first time have spoken.
- (5) Where applicable, a member may request that the Chair take the vote separately, where it is practical to separate into two or more votes on a motion.

Mayor to Speak to a Motion

- 28. The Mayor may speak to a motion from the chair.

Confidentiality

- 29. Council members shall abide by their obligations in the Code of Conduct to keep in confidence information considered in any part of a closed Council or Committee meeting.

Points of Order, Information and Privilege

30. (1) A member may, through the Mayor, raise a point of order on a motion to which a member is currently speaking, whereupon the Mayor must:
- (a) immediately suspend the debate; and
 - (b) rule as to whether or not the point of order is valid.
- (2) A member may, through the Mayor, raise a point of information after a member has finished speaking on a motion, and the Mayor must, before any other members have spoken, provide:
- (a) the member who raised the point of information the opportunity to explain the nature of the information in question; and
 - (b) the member against whom the point of information has been raised, the opportunity to respond,
- in order to clarify the matter before debate resumes.
- (3) A member may, through the Mayor, raise a point of privilege after a member has finished speaking on a motion, and the Mayor must, before any other members have spoken, provide:
- (a) the member who raised the point of privilege the opportunity to explain the nature of the breach of privilege; and
 - (b) if applicable, a member against whom the point of privilege was raised, the opportunity to respond,
- in order that the remarks in question may, if applicable, be withdrawn or clarified before debate resumes.
- (4) Where the Mayor is of the opinion that a motion or proceeding is out of order the mayor must advise the members accordingly.

Appeal the Decision of the Chair

31. (1) In accordance with the provisions of the *Community Charter*, a member who is dissatisfied with a decision of the Mayor has the right to appeal such a decision by challenging the chair.
- (2) The Mayor shall immediately then ask: "Shall the Chair be sustained?" and the question shall be decided without debate.
- (3) The Mayor or other presiding officer must not vote on the question, "Shall the chair be sustained?"
- (4) The motion passes in the affirmative if the votes are equal.
- (5) Where council has voted not to sustain the chair, the decision of the Mayor which was the subject of the appeal is negated, and the business of Council must proceed as if such decision had never been made.

PART NINE: MOTIONS

Proposing and Withdrawing of Motions

32. When a motion has been moved by a member and seconded by another member, it is then a motion on the floor, and is deemed to be in the possession of Council, and such motion:
- (a) must be recorded in the minutes; and
 - (b) may only be withdrawn by the mover and seconder of the motion, with the consent of all members present.

Order of Precedence of Motions

33. When a motion is on the floor and before the question has been called, only the following motions are permitted, in the following order:
- (a) a motion to refer;
 - (b) a motion to table;
 - (c) a motion to amend.

Referral Motions

34. (1) A member may propose a motion to refer either:
- (a) a matter which is on the agenda of a Council meeting, but on which a motion has not yet been made; or
 - (b) a motion which is on the floor.
- (2) Upon a motion to refer being seconded, such motion:
- (a) is debatable, but only as to the merits of referral;
 - (b) may not be tabled or amended; and
 - (c) applies to an amendment, or an original motion.
- (3) Where a referral motion has been adopted, which refers an original motion which has been amended, the referral applies to the original motion as amended.
- (4) Before the question is called on a referral motion any member may give direction on such motion on matters which the member feels should be investigated further before the matter is presented to Council again.

Tabling Motions

35. (1) A member may propose a motion to table a motion which is on the floor either:
- (a) to a later time during the same meeting and in such motion must specify when in the order of business, or after which circumstances, the motion will be dealt with; or
 - (b) to another meeting and in such motion may specify:

- (i) the date of the meeting at which the tabled motion is to be considered; or
- (ii) any conditions which must be fulfilled in order for the tabled motion to be considered further,

or both (a) and (b).

A tabling motion is debatable, but only to the merits of tabling.

- (2) A member may propose a motion to table a matter indefinitely, in which case:
 - (a) the motion is debatable; and
 - (b) there is no obligation to take the resolution up at a future meeting.

Amending Motions

- 36. (1) A member, other than the mover of a motion, may propose an amendment to a motion, and that amendment must be disposed of before any subsequent amendments are proposed.
- (2) When an amendment to a motion has been moved and seconded, a member may request that the original motion and the amendment be stated, with the debate being limited to the amendment only.
- (3) If the amendment is defeated, debate may continue on the original motion, and if no further amendments are proposed, the Mayor must call the question on the original motion.
- (4) If the amendment is adopted, and no further amendments are proposed, the Mayor must then call the question on the original motion, as amended.

Sub-Amendments

- 37. (1) A member may propose a sub-amendment to an amendment.
- (2) A member may not propose a sub-amendment to a sub-amendment.
- (3) The Mayor must call the question on a motion which has been amended, in the following order:
 - (a) a sub-amendment, if any;
 - (b) an amendment to the original motion;
 - (c) the original motion.

Scope of Amendments

- 38. The amendments permitted by Sections 36 and 37 may take the form of deletion, addition, or substitution of words or figures, provided such deletions, additions or substitutions do not, in the opinion of the Mayor, affect the original motion.

Notice of Motion

39. A Member may, at any meeting, give notice of a motion he or she wishes to be considered at the next Regular Council meeting by reading out the motion.

The motion and any relevant backup information will be placed on the agenda of the next Regular Council meeting for consideration.

If the Member who submitted the motion is not in attendance at the Council meeting where the motion is brought forward, the matter will be held over until the Member who submitted the motion is in attendance.

PART TEN: VOTING ON A MOTION

Method of Voting

40. (1) Whenever a vote of Council is taken, each member present must vote on the motion by raising his or her hand. The Mayor must then declare the result and name those members voting in the negative, which the City Clerk must record in the minutes.
- (2) A member who abstains from voting on a motion is deemed to have voted in favour of the motion.
- (3) If the votes of the members present are equal for and against a motion, the motion is defeated.

Severability of Motions

41. (1) If requested by any member, the question on a motion which comprises several clearly identified parts, sections or clauses, must be called separately on such parts, sections or clauses, and in such circumstances a new mover and seconder are not required.
- (2) Where a motion does not contain clearly identified parts, sections or clauses, and where in the opinion of the Mayor it is not possible to separate such motion into clearly identified components, the question must be called on the entire motion.
- (3) The provisions of Section 41(1) regarding the severability of motions applies whether or not such motion has been the subject of amendments.
- (4) A member voting either in favour or against the motion is deemed to have voted in favour or opposition to the entire motion where either:
- (a) a request has not been made by such member to call the question separately on any parts, section or clauses; or
 - (b) a request has been made by such member in accordance with Section 41(1), but such request has been rejected by the Mayor.

PART ELEVEN: BRINGING BACK MOTIONS BEFORE COUNCIL

Mayor May Bring Back for Reconsideration

42. (1) The Mayor may bring a resolution, by-law or proceeding back before the Council for reconsideration under Section 131 of the *Community Charter*:
- (a) at the same meeting as the vote took place; or
 - (b) within the 30 days following that meeting, and
- a matter may not be reconsidered under Section 131 of the *Community Charter* if:
- (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Council, or
 - (b) there has already been a reconsideration under this section in relation to the matter.
- (2) On a reconsideration under this section, the Council:
- (a) must deal with the matter as soon as convenient; and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (3) If the original decision was the adoption of a by-law or resolution and that decision is rejected on reconsideration, the by-law or resolution is of no effect and is deemed to be repealed.

Bringing Back Adopted Motions

43. (1) A resolution or by-law which was adopted may be brought back before Council by a motion to reconsider, rescind or amend something previously adopted, provided:
- (a) Council has given due consideration to any actions taken by an officer, employee, or agent of the City; and
 - (b) the resolution or by-law has not had the approval of the electors or the assent of the electors.
- (2) A motion to reconsider or rescind an adopted resolution or by-law:
- (a) may be made at the same meeting; or
 - (b) may be made at the next Regular Council Land Use, Regular Council, or Regular Council Public Hearing meetings, whichever is applicable; and
 - (c) may only be made by a member who voted in favour of it.
- (3) A motion to rescind or amend an adopted resolution or by-law:
- (a) may be made at a future meeting, by a member giving notice under Notice of Motion (does not apply to same meeting or next meeting) at a Regular Council Land Use, Regular Council or Regular Council Public Hearing meeting; and
 - (b) may be made by any member, regardless of how he or she voted the first time.

- (4) A motion to reconsider:
 - (a) is debatable;
 - (b) if adopted, the resolution or by-law shall be reopened for debate; and
 - (c) if reopened for debate, may be referred, amended, postponed, or voted on for a second time.
- (5) A motion to rescind:
 - (a) is debatable; and
 - (b) if adopted, the motion is no longer applicable, and it would be in order to move a subsequent motion.
- (6) If a motion to reconsider or rescind something previously adopted is defeated twice within three months, the same or substantially the same motion to rescind or amend may not be renewed for at least six months, except if Council, by a two-thirds majority vote, permits such renewal.

Bringing Back Defeated Motions

- 44. (1) A resolution or by-law which was defeated may be brought back before Council by a motion to reconsider or rescind something previously defeated, provided:
 - (a) Council has given due consideration to any actions taken by an officer, employee, or agent of the City.
- (2) A motion to reconsider or rescind a defeated resolution or by-law:
 - (a) may be made at the same meeting; or
 - (b) may be made at the next Regular Council Land Use, Regular Council, or Regular Council Public Hearing meeting, whichever is applicable;
 - (c) may only be made by a member who voted on the prevailing side.
- (3) A motion to rescind a defeated resolution or by-law:
 - (a) may be made at a future meeting, by a member giving notice under Notice of Motion (does not apply to same meeting or next meeting) at a Regular Council Land Use, Regular Council or Regular Council Public Hearing meeting;
 - (b) may be made by any member, regardless of how he or she voted the first time.
- (4) A motion to reconsider:
 - (a) is debatable;
 - (b) if adopted, the resolution or by-law shall be reopened for debate; and
 - (c) if reopened for debate, may be referred, amended, postponed, or voted on for a second time.
- (5) A motion to rescind:

- (a) is debatable; and
 - (b) if adopted, the motion is no longer applicable, and it would be in order to move a subsequent motion.
- (6) If a motion to reconsider or rescind something previously defeated is defeated twice within three months, the same or substantially the same motion to rescind or amend may not be renewed for at least six months, except if Council, by a majority vote, permits such renewal.

PART TWELVE: RECESSES AND ADJOURNMENT

Recess

45. At any time while the meeting is in progress, the Mayor may call for Council to recess for a short period, and may state the approximate time that the meeting will be recessed.

Adjournment

46. If a motion to adjourn the meeting has been moved and seconded, the Mayor must call the question, and if approved by a majority of Council, the meeting is adjourned and cannot be reconvened.

PART THIRTEEN: DELEGATIONS TO COUNCIL

Applications

47. Any person, group or organization may request, in writing and giving a brief explanation for the request, permission to speak at a Council meeting as a delegation, by submitting the required letter to the City Clerk to be placed on an appropriate Council agenda for consideration.

Council Direction

48. After consideration of the application to speak as a delegation, Council may:
- (a) agree to hear the applicant at a Closed Council, Regular Council Land Use, Regular Council, Regular Council Public Hearing or Council-in-Committee meeting, with the date and time to be determined by the City Clerk;
 - (b) request further information to be submitted prior to further consideration of the application;
 - (c) refer the application to staff for a report prior to further consideration of the application;
 - (d) refer the application to a Committee to be heard; or
 - (e) refuse the application.

Presentations by Public Delegations

49. A presentation by a delegation at a Council or Committee meeting shall be limited to fifteen minutes and shall be confined to the subject which was indicated in the application

unless otherwise specified by Council.

50. Questions of members of Council shall be limited to seeking clarification or additional details, and should not engage the delegation in a debate on the merits of the issue.

Presentations by Public at Regular Council Public Hearing Meetings

51. Pursuant to Section 890 of the *Local Government Act*, all those persons who believe that their interest in property may be affected by the proposed rezoning shall have a reasonable opportunity to be heard.
52. Speaking and non-speaking lists will be available for the public to sign in the foyer of City Hall approximately one-half hour prior to the appointed start time of the Regular Council Public Hearing meeting. For those persons who do not sign the lists, or who arrive too late to sign the lists, the Mayor shall ask three times: "Are there any other speakers wishing to speak to this by-law?"
 - 52.1 A person speaking at a Regular Council Public Hearing shall be limited to 5 minutes per application and the person's comments shall be confined to the matters contained in the application that is the subject of the hearing, unless otherwise permitted by the Chair.
53. Council members who are asking questions of a delegation shall limit themselves to seeking clarification or additional details, and shall avoid engaging the delegation in a debate on the merits of the issue.

PART FOURTEEN: BY-LAWS AND BY-LAW READINGS

By-law Procedures

54. Every proposed by-law:
 - (a) must be in written form when it is considered by Council and a copy must be available to each member; and
 - (b) if a public hearing is required, must, upon being given first and second readings, be submitted to the next Regular Council Public Hearing meeting for which all statutory notification and advertising requirements can be satisfied, unless otherwise directed by Council.
55. Every proposed by-law shall receive three separate readings prior to its final adoption, and all three readings may be given on the same day, except those by-laws requiring a public hearing, whereby the first and second reading and the setting of a public hearing shall be given on the same day.
56. The readings of a by-law may be given in a short form.
57. The only motion required for the passage of a by-law shall be: "That by-law (number) be given (number) reading."
58. The only motion required for the final adoption of a by-law after reconsideration shall be: "That by-law (number) be finally adopted."

PART FIFTEEN: COMMITTEES

Notice

59. The City Clerk must give weekly public notice of all Council appointed Committee, Commission and Board meetings by posting notices at the Public Notice Posting place on the Friday immediately preceding the meeting.
60. The City Clerk must give further public notice of the meeting by:
 - (a) posting a copy of the agenda at the Public Notice Posting Place; and
 - (b) leaving copies of the agenda at the Legislative Services reception counter at City Hall.

Closed Committee/Board/Commission Meetings

61. If the agenda for the meeting contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under Section 90 of the *Community Charter* by which the meeting is to be closed.

Rules of Procedure

62. The rules of procedure of Council shall apply to Committee, Commission and Board meetings as far as is practical, and the number of times that committee members may speak on a motion shall not be limited.

Sub-Committees

63. Council may establish sub-committees, shall establish the terms of reference of such sub-committees, and may appoint members of the general public as sub-committee members.

Quorum and Membership

64.
 - (1) A quorum of a Committee/board/commission is one-half plus one; i.e. if the total membership is seven members, a quorum will be four members.
 - (2) Where a quorum is not present fifteen minutes after the time established for a Committee/board/commission meeting, such meeting is deemed to have been cancelled.
 - (3) The Mayor is an ex-officio and voting member of all standing and select Committees.
 - (4) Members may attend the meetings of a standing or select Committee of which they are not a member, and:
 - (a) may speak to a motion upon being recognized by the Committee chair; but
 - (b) must not vote on any motion.

Mandate of Standing and Select Committees

65. The mandate of each standing and select Committee includes the following:
- (a) to report to Council from time to time, as often as the interests of the City require, on all items within its mandate and to recommend such action by Council as may be deemed necessary; and
 - (b) to consider and report upon all items referred to such Committee by Council.

Ratification By Council

66. All resolutions adopted by a Committee must be presented to Council for ratification except for the following:
- (a) resolutions referring items to staff;
 - (b) resolutions deferring an item;
 - (c) resolutions receiving a report or information; and
 - (d) defeated resolutions.

PART SIXTEEN: BUSINESS LICENSE COMMITTEE HEARING PROCEDURES

Business License Committee Hearing Procedures

67. The following is a procedure to be followed for all appeals on business license matters:

Opening Remarks by Chair

Opening remarks by counsel for the City of Surrey:

- 1. introduction of Applicant/Applicant's counsel/interpreter
- 2. review of legal tests
- 3. review of rules of natural justice

Testimony by City of Surrey witnesses:

- 1. examination-in-chief by counsel for the City of Surrey
- 2. questions to the witness from the Business License Hearing Committee members
- 3. cross-examination of the witness by Applicant/Applicant's counsel

Concluding Remarks by City of Surrey counsel

Opening Remarks by Applicant/Applicant's counsel

Calling of witnesses (if any) by Applicant/Applicant's counsel:

- 1. examination-in-chief by Applicant/Applicant's counsel
- 2. questions to the witness from the Business License Hearing Committee members
- 3. cross-examination of the witness by City of Surrey's counsel

Closing submissions by counsel for the City of Surrey

Reply/Closing submissions by the Applicant/Applicant's counsel

Discussion by Business License Hearing Committee members:

- 1. discussion of evidence
- 2. discussion of range of penalties

Decision by Business License Hearing Committee:

1. referral from Manager, By-laws & Licensing – Council may grant, refuse, revoke or suspend
2. appeal from suspension by Manager, By-laws & Licensing – Council may uphold the decision, overturn the decision, grant a longer suspension, or revoke the business license entirely

Council Resolution setting out the recommendation of the Business License Hearing Committee, containing reasons if it is recommended that the license is suspended or revoked

Adjournment

PART SEVENTEEN: REPEAL OF BY-LAW 13600

68. "Council Procedure By-law, 1999, No. 13600" and "Council Procedure By-law, 1999, No. 13600, Amendment By-law, 2000, No. 13950" are hereby repealed.

PASSED THREE READINGS on the 5th day of April, 2004.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 19th day of April, 2004.

_____ MAYOR

_____ CLERK