

NO: **R052**

COUNCIL DATE: **April 6, 2020**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **April 2, 2020**

FROM: **General Manager, Corporate Services**

FILE: **3900-02**

SUBJECT: **Council Code of Conduct Bylaw, 2020, No. 20020**

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## RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the *Council Code of Conduct Bylaw, 2020, No. 20020*, as documented in Appendix "I" of this report, which establishes a code of ethical conduct for Council Members and the administration of the code by the Ethics Commissioner and by Council;
3. Approve amendments to the *Council Procedure By-law, 2004, No. 15300, Amendment Bylaw, 2020, No. 20056*, as documented in Appendix "II" of this report to align it with the *Council Code of Conduct Bylaw, 2020, No. 20020*;
4. 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. 20056*, as documented in Appendix "II" of this report; and
5. Authorize the City Clerk to bring forward the *Council Code of Conduct Bylaw, 2020, No. 20020* and the *Council Procedure By-law, 2004, No. 15300, Amendment Bylaw, 2020, No. 20056* for the required four readings, with three readings granted at the first Council meeting and final adoption granted at the next available Council meeting.

## INTENT

The purpose of this report is to obtain Council's approval to adopt the *Council Code of Conduct Bylaw, 2020, No. 20020* (the "Code of Conduct"), which establishes a code of ethical conduct for Council Members and the administration of the Code of Conduct by the Ethics Commissioner and by Council. Staff also seek Council's approval to amend the *Council Procedure By-law, 2004, No. 15300* to align it with the Code of the Conduct.

## **BACKGROUND**

At the February 11, 2019 Council meeting, Council unanimously adopted a motion directing staff to bring forward a corporate report identifying current City policies, as well as Provincial and Federal legislation related to fair and transparent governance. Staff was directed to, among other things, consider additional accountability measures in the form of introducing an independent ethics commissioner.

Subsequently, at the June 10, 2019 Council meeting, Council authorized staff to commence development of the Code of Conduct, including selecting an independent expert to assist Council with drafting the Code of Conduct and coordinating related workshops. Council also authorized staff to bring forward in due course a corporate report with bylaws creating the Code of Conduct and an independent Ethics Commissioner's office.

At the February 10, 2020 Council meeting, Council approved the *Ethics Commissioner Establishment Bylaw, 2020, No. 20018* (the "Ethics Commissioner Bylaw"), which creates the position of an Ethics Commissioner and establishes the Terms of Reference for an Ethics Commissioner Selection Committee ("ECSC"), whose role is to select a shortlist of candidates for the Ethics Commissioner to bring for Council's consideration.

## **DISCUSSION**

The purpose of the Code of Conduct is to establish:

- the rules of ethical conduct which govern the Mayor and other Council Members;
- the responsibilities and powers of the Ethics Commissioner, in conjunction with the powers conferred by the Ethics Commissioner Bylaw; and
- the procedures by which complaints against Council Members are handled, investigated, and/or resolved by the parties involved, the Ethics Commissioner, and/or by Council.

### **Matters Regulated by the Code of Conduct**

The Code of Conduct recognizes that Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government. Accordingly, as a general matter, all Council Members must abide by the Code of Conduct, all federal and provincial laws, all City bylaws and policies, and must uphold their oath of office.

The Code of Conduct sets out ethical rules governing the conduct of Council Members in specific areas, including the following:

- Appropriate interactions of Council Members with Staff, Volunteers, and Advisory Body Members;
- Conduct at Council and Advisory Board Meetings;
- Appropriate use of a Council Member's influence;
- Unpermitted election activities;
- Avoiding conflicts of interest;
- Conduct respecting lobbyists;
- Outside activities and business relations;

- Use of municipal assets and services;
- Employment of Council family members;
- Accepting gifts;
- Collecting and handling information;
- Use of social media;
- Proper communication protocols;
- Interactions with the public and the media; and
- Council Members' attendance at orientation and training.

### **Role of the Ethics Commissioner**

The Ethics Commissioner is an independent officer who will perform advisory and educational functions in relation to administering the Code of Conduct and assisting Council Members with understanding their ethical obligations. The Ethics Commissioner will also have the power to investigate allegations of ethical misconduct in relation to Mayor and Council; to report their findings to Council; and provide recommendations to Council as to the appropriate sanction or discipline.

### **Procedures for Resolving Complaints**

The Code of Conduct sets out procedures for handling complaints made against a Council Member. These procedures may include resolving the matter informally with the Council Member whose conduct is at issue, possibly with the assistance of an advisor, or by a mediation with a third-party mediator. Complaints that cannot be resolved informally or through mediation may be handled by the Ethics Commissioner. The Ethics Commissioner may take whatever steps they consider reasonable with the complainant and the Council Member to resolve the matter informally, or upon request may commence a formal investigation.

As part of the investigation the Ethics Commissioner may receive information through written documentation, interviews, or informal hearings from any witnesses who the Ethics Commissioner believes may have relevant information. Once the investigation is completed, the Ethics Commissioner will prepare a written report to Council on whether a contravention of the Code of the Conduct occurred. If the Ethics Commissioners substantiates the complaint and finds the behaviour to be a contravention of the Code of Conduct, they may also make recommendations with respect to the appropriate sanction. If the Ethics Commissioner has determined that a contravention has occurred, then it is the responsibility of Council to decide on what the appropriate measures to take, if any. Examples of measures that Council may impose include censuring the Council Member, removing the Council Member from appointments on committees, requiring the Council Member to apologize or to take relevant training.

### **Housekeeping Amendments to the *Council Procedure By-law, 2004, No. 15300***

The *Council Procedure By-law, 2004, No. 15300* must be amended to align with the Code of Conduct and to include other minor housekeeping measures. This includes, among other things, clarifying that Council Members must comply with the Code of Conduct in a Council or Committee meeting. Correspondingly, the Chair has the authority to invoke the Code of Conduct if they believe there is a contravention.

Further, staff is currently reviewing a number of existing policies that may no longer be necessary in light of the Code of Conduct. Staff will bring forward recommended amendments of these policies at a future meeting for Council's consideration.

### **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. 20056* 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.

In order to align the scheduled approval of both bylaws in this Report, Staff further recommend that the *Council Code of Conduct Bylaw, 2020, No. 20020* also be granted three readings at the first Council meeting and that final adoption of both bylaws be granted at the next available Council meeting.

### **Legal Services Review**

The City's Legal Services Division has reviewed this report and has no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

The proposed Council Code of Conduct Bylaw supports the objectives of the City's Sustainability Charter 2.0. In particular, the Council Code of Conduct Bylaw relates to the Sustainability Charter 2.0 theme of Inclusion. Specifically, the Council Code of Conduct Bylaw supports the following Desired Outcome ("DO"):

- Community Pride and Engagement DO21: All residents have opportunities to be meaningfully engaged in civic issues and to contribute to community life.

### **CONCLUSION**

This report provides Council with background information related to the establishment of a Council Code of Conduct and seeks to obtain Council's approval of the proposed *Council Code of Conduct Bylaw, 2020, No. 20020* as well as approval to amend the *Council Procedure By-law, 2004, No. 15300* to align it with the Code of the Conduct.

Rob Costanzo  
General Manager, Corporate Services

Appendix "I": *Council Code of Conduct Bylaw, 2020, No. 20020*  
Appendix "II": *Council Procedure Bylaw, 2004, No. 15300, Amendment Bylaw, 2020, No. 20056*  
Appendix "III": *Proposed Amendments to Council Procedure By-law, 2004, No. 15300*

# CITY OF SURREY



Council Code of Conduct Bylaw,  
2020, No. 20020

**Council Code of Conduct Bylaw, 2020, No. 20020**

**TABLE OF CONTENTS**

Definitions .....	1
Interpretation .....	4
<b>PART 1 – CONDUCT OF ELECTED OFFICIALS</b> .....	<b>5</b>
General Conduct .....	5
Interactions of Council Members with Staff, Volunteers and Advisory Body Members .....	5
Conduct at Council and Advisory Board Meetings.....	6
Improper Use of Influence .....	6
Election Activities .....	6
Conflicts of Interest.....	7
Conduct Respecting Lobbyists .....	8
Outside Activities and Business Relations .....	8
Council Members’ Use of Municipal Assets and Services .....	9
Employment of Council Family Members .....	10
Gifts.....	10
Collection and Handling of Information.....	11
Council Members’ Use of Social Media .....	11
Communication Protocol.....	12
Interactions with the Public and the Media .....	12
Orientation and Training Attendance.....	12
<b>PART 2 – PROCESS FOR COMPLAINTS</b> .....	<b>13</b>
Individual Steps to Resolution.....	13
Mutual Resolution.....	14
Other Processes .....	14
Complaints .....	15
Formal Review .....	15
Council Determination of Measures .....	16
Staff Responsibilities in the Complaint Process.....	17
Fairness Procedures Applicable to Council Determination of Measures .....	18
Mandatory Training .....	19
Obstruction .....	19
Legal Fees .....	19
General.....	19
Citation .....	20
SCHEDULE A .....	21
SCHEDULE B.....	24

CITY OF SURREY

BYLAW NO. 20020

A bylaw to regulate the conduct of Council members  
.....

WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authorities of the Community Charter, Local Government Act and other applicable enactments; and
- (c) be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council wishes to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council to conduct its business in accordance with the City's values of community, innovation, integrity, service and teamwork;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

NOW THEREFORE The Council of the City of Surrey ENACTS AS FOLLOWS:

**Definitions**

1. In this Bylaw

"Advisory Body" means a committee, task force, commission, board or other body established or appointed by Council or by the Mayor;

"Advisory Body Member" means a person sitting on an Advisory Board, and includes a Council Member appointed to the body;

"Bully and Harass" includes:

- (a) any conduct that would be contrary to the City's Respectful Workplace Policy;

(b) any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code* if the conduct or comment was in respect of any of the following prohibited grounds:

- (i) race,
- (ii) conviction for an offence,
- (iii) colour,
- (iv) ancestry,
- (v) physical disability,
- (vi) place of origin,
- (vii) mental disability,
- (viii) political belief,
- (ix) sex,
- (x) religion,
- (xi) age (19 to 75 years),
- (xii) marital status,
- (xiii) sexual orientation,
- (xiv) family status;

(c) Sexual Harassment;

(d) any other unwelcome or objectionable conduct or comment by a Council Member toward another Council Member, an Advisory Board Member, Volunteer or Staff that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of an Advisory Board Member, Volunteer or Staff, calling someone derogatory names, hazing or initiation practices, vandalizing personal belongings or spreading malicious and untrue rumours;

"Campaign Period" means the period commencing the first of October immediately preceding a general election and ending on the day of the general election;

"Child" means a person toward whom a Responsible Adult has demonstrated a settled intention to treat as a child of his or her family and includes a child born within or outside marriage, an adopted child, step-child or grandchild;

"City" means the City of Surrey;

"City Business" means any City program, activity, policy, process, project or undertaking;

"City Manager" means the Municipal Officer position of the City manager;

"City Solicitor" means the Municipal Officer position of the City solicitor;

"City Record" includes anything on which information is recorded or stored by graphic, electronic, mechanical or other means in any format, but does not include a computer program or any other mechanism that produces records;



"City Record System" means a system used by the City of Surrey to manage City Records from creation through to disposal or long-term preservation;

"Commissioner" means the City of Surrey Ethics Commissioner;

"Confidential Information" means information or a record that is marked confidential by Council or Staff, that is Personal Information, that could reasonably harm the interests of individuals or organizations including the City if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

- (a) decisions, resolutions or report contents forming part of the agenda for or from an *in-camera* meeting of Council until a Council decision has been made for the information to become public or otherwise released; and
- (b) details on Council's in camera deliberations or specific detail on whether an individual Council Member voted for or against a matter;

"Corporate Officer" means the Municipal Officer position of City Clerk that has been designated the corporate officer under section 148 of the *Community Charter*;

"Council Member" means the Mayor or a Councillor;

"Family Member" means a Spouse, a Child, a Responsible Adult, and siblings;

"Lobbying" means any communication with a Council Member by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development decisions, business licence decisions, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution, or development approval, zoning bylaw amendment, or termination of a City policy, program, directive, guideline, or the outcome of a decision on any matter before Council, an Advisory Body, or Staff;

"Municipal Officer" means a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section;

"Personal Information" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

"Responsible Adult" means a person who has demonstrated a settled intention to treat a Child as a member of his or her family whether or not that person is the biological parent of the Child;

"Sexual Harassment" is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation to a Council Member, Staff, Advisory Body Member, Volunteer or a member of the public or that might reasonably be perceived by Staff, an Advisory Body Member or Volunteer as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and examples of sexual harassment may include but are not limited to:

- (a) unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations;
- (b) verbal abuse and threats of a sexual nature;
- (c) leering, staring or making sexual gestures;
- (d) display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;
- (e) unwanted physical contact such as touching, patting, pinching, hugging;
- (f) intimidation, threat or actual physical assault of a sexual nature;
- (g) sexual advances with actual or implied work-related consequences;

"Spouse" means a person to whom the person is married or with whom the person is living in a marriage-like relationship, and includes a former spouse;

"Staff" means a Municipal Officer or employee, a contractor, consultant or other service provider;

"Volunteer" means a person serving the City who is not a Council Member, member of Staff or an Advisory Board Member;

"Workplace" includes, but is not limited to, work sites owned, operated or controlled by the City, including the municipal hall, operations centres, fire hall, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from the foregoing venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail or electronic messaging.

### **Interpretation**

2. In this Bylaw, a reference to the Mayor, a chair, or Staff includes, in the absence of the Mayor, chair or Staff member, a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.
3. Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to the use of social media by a Council Member.

## **PART 1 – CONDUCT OF ELECTED OFFICIALS**

### **General Conduct**

4. A Council Member shall not:
  - (a) contravene this Bylaw, as amended or replaced;
  - (b) contravene any other City bylaw or policy, as amended or replaced;
  - (c) breach their oath sworn upon taking office as a Council Member;
  - (d) contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
  - (e) Bully or Harass another person;
  - (f) defame another person;
  - (g) abuse their office.
5. A Council Member shall treat other Council Members, Staff, Advisory Body Members, Volunteers, and the public with respect and dignity.
6. A Council Member shall align their conduct with the City's values of integrity, innovation, service, teamwork and community.

### **Interactions of Council Members with Staff, Volunteers and Advisory Body Members**

7. A Council Member shall not issue instructions or directions to Staff regarding City Business except through the City Manager or the appropriate department manager.
8. Before, during or after a procurement process, a Council Member shall not issue instructions or directions to a contractor, tenderer, proponent, consultant or other service provider. Outside of a Council or committee meeting, a Council Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.
9. A Council Member shall not interfere with, hinder or obstruct Staff, a Volunteer or an Advisory Board Member in the exercise or performance of their roles, responsibilities, powers, duties or functions.

10. If a Council Member has information about Staff, a Volunteer or an Advisory Board Member that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the City Manager. On receipt of such information, the City Manager shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

### **Conduct at Council and Advisory Board Meetings**

11. A Council Member must act with decorum at Council and Advisory Body meetings in accordance with the *Council Procedure By-law*, No. 15300, as amended or replaced from time to time.
12. Council Members shall make every effort to participate diligently in the activities of Council and Advisory Bodies or other bodies to which they are appointed by the City or by virtue of being an elected official, including intergovernmental meetings. To "participate diligently" means that a Council Member shall not be absent from meetings of Council or Advisory Body meetings, or from those of other bodies to which they are appointed by virtue of their status as a Council Member, without reasonable justification (such as illness of the Council Member, family circumstance, regional government business) for more than four consecutive scheduled meetings, for a period of 60 consecutive days, or on a regular basis.

### **Improper Use of Influence**

13. A Council Member shall only use the influence of their office in the good faith exercise of their official duties.

### **Election Activities**

14. A Council Member shall not participate in any civic events requiring them to perform official ceremonial duties between the last day of the nomination period and the voting day, as defined in the *Local Government Act*, unless authorized by a resolution of Council.
15. A Council Member shall comply with the *Local Government Act* and the *Local Elections Campaign Financing Act* when undertaking election campaign activities and fundraising.

16. A Council Member shall not use the City's employees, property or resources for election campaign or fundraising activities at any point during a term of office, unless those resources are similarly available to all candidates and the fees associated with the use of the employees, property or resources has been paid for with election campaign funds. Without limiting the generality of the foregoing, this prohibition applies to:
  - (a) data sets and Personal Information collected and maintained by the City;
  - (b) office space; and
  - (c) City websites or external websites paid for by the City.
17. A Council Member may include a link on his or her campaign website to the City's website or an external website paid for by the City.
18. During the Campaign Period, a Council Member shall not:
  - (a) deliver City funded newsletters or conduct open houses funded by the City;
  - (b) distribute mass e-mails from the Council Member's City e-mail address, unless the communication arises from an emergency and the communication is authorized by the City Manager;
  - (c) update websites that are either City hosted or paid for by the City;
  - (d) use social media and internet resources such as Twitter, Facebook or Instagram in the Council Member's personal name, unless those accounts include a disclaimer that they are not City-funded and do not reflect City policy; nor
  - (e) request that City employees work on an election campaign during hours in which the employee receives compensation from the City, unless the work both unavoidably overlaps with the regular duties of the employee and is minor and infrequent, such as coordinating campaign schedules with the Council Member's calendar or redirecting citizens with campaign questions to campaign staff.
19. Council Members and their staff may take unpaid leave from the Council Member's office to work on an election campaign.

### **Conflicts of Interest**

20. A Council Member shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
21. A Council Member must disclose any conflict of interest in accordance with section 100 of the *Community Charter* and, if conflicted, must refrain from participating in a meeting in accordance with section 101 of the *Community Charter*.

22. In respect of each matter before Council, a Council Member shall:
  - (a) assess whether they have a conflict of interest, if necessary, with the advice of the Commissioner; and
  - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the City Manager approves the cost if concerned about the validity of an affected bylaw or resolution, with respect to any situation which may result in a conflict of interest.
23. If a Council Member believes they may have or may reasonably be perceived to have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:
  - (a) notify the Mayor or the Chair of the meeting that the Council Member has a conflict of interest prior to the matter being considered, and the Council Member shall restate the conflict of interest each time the matter arises before Council;
  - (b) refrain from discussing the matter with any other Council Member publicly or privately; and
  - (c) leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

### **Conduct Respecting Lobbyists**

24. Lobbying is a permitted but regulated activity in the City.
25. A Council Member shall follow the City's rules respecting Lobbying.
26. A Council Member shall report any such violation or attempted violation of the City's rules respecting Lobbying to the Municipal Official responsible for Lobbying or to the Commissioner, unless the Council Member believes in good faith that the violation or attempted violation was inadvertent or insignificant.

### **Outside Activities and Business Relations**

27. A Council Member who engages in another profession, business or occupation concurrently with holding office shall not allow such outside employment to affect the Council Member's integrity, independence or competence. Without restricting the scope of this duty, the following shall be a contravention of this part of the Code of Conduct:
  - (a) acting as an officer or director for a business that receives municipal funds in the form of grants or payments for goods or services;
  - (b) acting as an officer or director for a business that lobbies the City;

- (c) allowing the prospect of future employment by a person other than the City to affect the Council Member's performance of his or her duties to the City;
  - (d) borrowing money from any person who regularly does business with the City, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union;
  - (e) acting as a paid agent before Council or an Advisory Body;
  - (f) receiving compensation for referrals to a specific business;
  - (g) receiving compensation that is dependent on the business being awarded a contract with the City;
  - (h) subject to sections 40 through 43, providing advice for remuneration to any person who is involved in litigation or lobbying against the City, unless the Council Member first gives written notice of the relationship to the Commissioner.
28. A Council Member may obtain advice from the Commissioner on whether a new profession, business or occupation is compatible with their obligations under section 27 of this Bylaw. Provided that the Council Member made full and frank disclosure to the Commissioner at the time they sought advice, the Commissioner's opinion shall be the final determination of whether a Council Member has contravened section 27 of this Bylaw.

### **Council Members' Use of Municipal Assets and Services**

29. A Council Member shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees or other resources for activities other than City Business unless the use or the permission is on the same terms and conditions that the land, facilities, equipment, supplies, services, property, employees or other resources are available to the general public. Accordingly, a Council Member shall not obtain personal gain from the use or sale of City-developed intellectual property, including all discoveries, inventions, know-how, improvements, developments, processes, technology, compositions, designs, techniques, methods, industrial designs, compositions, prototypes, models, literary work, research, drawings, software and trade secrets whether or not capable of patent, industrial design, copyright or trademark protection, or any other type of protection. Council Members acknowledge and do not dispute that all such property that a Council Member may prepare, use or encounter while holding office will be and remains the City's exclusive property.
30. A Council Member shall not request Staff to undertake personal or private work on behalf of the Council Member, nor shall a Council Member accept such work from Staff.

## Employment of Council Family Members

31. A Council Member shall not attempt to influence personnel decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate an Advisory Board Member, a Volunteer or Staff. This prohibition includes giving references to any person applying for a position at the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.
32. A Council Member shall not attempt to obtain a benefit from the City for a Family Member.

## Gifts

33. For the purpose of sections 33 through 39 of this Bylaw, a gift or benefit is an item or service of value that is received by a Council Member for their personal use, including, but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions.
34. A Council Member must comply with the restrictions on accepting gifts in section 105 of the *Community Charter* and must disclose any permitted gifts over \$250 in accordance with section 106 of the *Community Charter*.
35. A gift or benefit provided to a Council Member's Family Member or staff in relation to City Business is deemed to be a gift or benefit to that Council Member.
36. If a Council Member is required to disclose to a Municipal Officer the nature of the gift or benefit, the Council Member shall also include a description of its source, including if the gift is from a corporation, the full names and addresses of at least two individuals who are directors of the corporation; when it was received; and the circumstances under which it was given and accepted.
37. The Municipal Officer shall provide a copy of this disclosure under section 36 to the Commissioner.
38. On receiving the disclosure statement, the Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Council Member. If the Commissioner makes that preliminary determination, the Commissioner shall call upon the Council Member to justify the receipt of the gift or benefit.



39. If the Commissioner considers the receipt was in contravention of this Bylaw or the *Community Charter*, the Commissioner may direct the Council Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift.

### **Collection and Handling of Information**

40. A Council Member shall not release any Confidential Information unless the Council member is specifically authorized to release it by:
- (a) a resolution of Council to use or release the Confidential Information, and then only to the extent of the Council authorization;
  - (b) authorized discussion of the Confidential Information at a meeting that is open to the public; or
  - (c) lawful authorization under separate legal authority.
41. A Council Member must not discuss or disclose Personal Information of others to any person, except in a manner that complies with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.
42. A Council Member shall take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons. If a Council Member learns of unauthorized access to Confidential Information or Personal Information, the Council Member shall report this information to the City Manager as soon as possible.
43. A Council Member shall comply with the directions of the Corporate Officer respecting the use of the City Record System.

### **Council Members' Use of Social Media**

44. A Council Member shall not publish Confidential Information on social media, unless authorized in accordance with the provisions of section 40 of this Bylaw.
45. A Council Member shall not publish information or an opinion on social media about City Business, unless the publication republishes the information that has been released by the City without alteration or the opinion includes a statement to the effect that the "opinion expressed is my own and does not necessarily reflect the view or opinions of the City of Surrey or other members of Surrey Council".

46. Without limiting any other obligation imposed by this Bylaw, a Council member shall not use or allow the use of their social media account for purposes that include content that:
- (a) Bullies and Harasses another Council Member, an Advisory Board Member, a Volunteer, Staff or a member of the public;
  - (b) evidences bias or a reasonable apprehension of bias in relation to a matter that is the subject of a statutory or other public hearing;
  - (c) promotes or constitutes illegal activity;
  - (d) may compromise the safety or security of the public.
47. A Council Member shall take steps to remove from their social media account any publication by another person of content that violates this Bylaw.

### **Communication Protocol**

48. Council may appoint the spokesperson on City Business. Once a spokesperson has been appointed, a Council Member that is not appointed as the spokesperson shall ensure that inquiries from the public and media on the City's position are directed to the spokesperson. A Council Member communicating their own opinion shall ensure that the communication clearly indicates that it is the Council Member's own position. Nothing in this section prevents Council from appointing multiple spokespersons or changing the appointed spokesperson. Where no spokesperson has been appointed, the Mayor shall act as the spokesperson.

### **Interactions with the Public and the Media**

49. A Council Member shall accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.
50. When discussing the fact that they did not support a decision, or voted against the decision, or that another Council Member did not support a decision or voted against a decision, a Council Member shall refrain from making disparaging comments about other Council Members or about Council's processes and decisions.
51. Nothing in this Bylaw is intended to affect rights under the *Charter of Rights and Freedoms*.

### **Orientation and Training Attendance**

52. After first being elected, a Council Member shall attend all sessions of orientation training on City Business that are identified as mandatory by the Commissioner unless doing so is not practically possible.

53. A Council Member shall attend any sessions of training on City Business that are identified as mandatory by Council, the City Manager, the City Solicitor, the Corporate Officer or the Commissioner, unless doing so is not practically possible.

## **PART 2 – PROCESS FOR COMPLAINTS**

### **Individual Steps to Resolution**

54. If a Council Member, an Advisory Board Member or Staff considers that they have been subjected to a contravention of this Bylaw by a Council Member and if they are comfortable discussing the matter directly with the Council Member, they may inform the Council Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately.
55. If the complainant is unable to discuss the matter directly with the Council Member, or if after discussion the contravention continues, the complainant may inform the City Manager of the allegation. The City Manager may then agree to act as an advisor to aid the complainant or appoint an advisor as the City Manager deems suitable.
56. The advisor acting under section 55 shall assist the complainant, including discussing the alleged contravention with the Council Member to resolve the complaint.
57. If the complainant is not satisfied with the outcome after the advisor has finished assisting the complainant under section 56, the complainant may proceed to Mutual Resolution by filing a written record of the allegation with the Commissioner within 10 days of being informed by the advisor of the outcome.
58. Nothing in this Bylaw precludes the complainant from making reasonable efforts in good faith to address the complaint internally and informally without resort to the Mutual Resolution or Formal Resolution procedures set out in this Bylaw.
59. Nothing in this Bylaw precludes the complainant from taking measures that the complainant is entitled to take under law, including but not limited to filing a human rights complaint, a grievance or other applicable process under a collective agreement, a complaint with WorkSafe BC, or other proceedings, as applicable.
60. Discussions regarding the complainant's concerns are confidential, advisory and informal in nature. The only exception to the Commissioner or an advisor maintaining confidentiality is if they deem the complaint to indicate a possible physical threat to any person. In that case, the advisor must immediately inform the City Solicitor of the complaint and inform the complainant of this requirement to do so. The City Solicitor must then promptly request the Commissioner to initiate an investigation and inform the complainant of this request and may take any additional steps deemed appropriate to deal with the possible physical threat.

## **Mutual Resolution**

61. If the Individual Steps to Resolution process is unsuccessful in resolving the complaint, at the request of the complainant and with the agreement of the Council Member, a third party will be selected under section 62 to act as a mediator to assist the individuals in resolving the complaint through mediation. If the parties cannot agree to resolve the complaint through Mutual Resolution, then the complainant may elect to proceed to Formal Review.
62. The role of the mediator is to help the complainant and the Council Member come to an agreement, and not to advocate a position or impose a decision. The mediator will be selected by agreement of the complainant and the Council Member, with the Commissioner retaining the right to select a mediator if the complainant and the Council Member are unable to agree.
63. Both the complainant and the Council Member may be accompanied by a representative of their choice, including a lawyer or if the complainant is a member of a union, a union representative or a lawyer on behalf of the union, or both. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the complainant, the Council Member and the Commissioner. If the mediator has recommendations for the City to consider, the mediator will forward these recommendations to the Commissioner and the City Solicitor. The resolution and recommendations must be kept in confidence by the Commissioner, City Solicitor and the parties, unless the parties agree in writing to disclose the information.
64. If Mutual Resolution is not successful in resolving the complaint, the complainant may pursue other options by confirming in writing his or her election to the Commissioner within ten working days of receiving the mediator's report.

## **Other Processes**

65. Failing Mutual Resolution, a breach of this Bylaw can be determined for the purposes of proceeding with a Council measure under section 74 by way of:
  - (a) an admission by the Council Member;
  - (b) an agreement with the Council Member;
  - (c) a report from a standing or select committee invested with investigation powers under section 134 of the *Community Charter*;
  - (d) a Formal Review.

## **Complaints**

66. Any person who has witnessed or experienced conduct by a Council Member which they believe to be in contravention of this Bylaw, or another City policy governing conduct of a Council Member may submit a complaint to the Commissioner in accordance with sections 68 and 69 of this Bylaw.
67. If a Designated Management Employee, as defined in the City's Respectful Workplace Policy, receives a complaint under the Respectful Workplace Policy, the Designated Management Employee may elect to refer the complaint to the Commissioner for resolution pursuant to this Bylaw.

## **Formal Review**

68. After the invocation of the procedures under sections 54 through 63 of this Bylaw, the complainant may elect to proceed with a formal complaint, which must be delivered in writing to the Commissioner in accordance with sections 64 and 69 of this Bylaw. This written complaint shall contain the particulars of the complaint, including the dates on which the conduct that is the subject of the complaint occurred.
69. The complainant must deliver the written complaint within six months of the date of the alleged contravention of this Bylaw, unless the parties have agreed in writing to postpone this deadline in order to pursue another resolution process.
70. Upon receipt of the written complaint, the Commissioner shall:
  - (a) take whatever steps the Commissioner considers reasonable with the complainant and the Council Member to resolve the matter informally under sections 54 through 63 within ten working days, if they have not already done so; or
  - (b) confirm in writing to the complainant and the Council Member that the City Manager or other advisor has terminated attempts to resolve the matter informally; and then
  - (c) begin an investigation within ten working days of the request being filed.
71. In keeping with the principles of procedural fairness, the Commissioner shall:
  - (a) confirm receipt of the written complaint to the complainant;
  - (b) notify the Council Member of the allegation, provide the Council Member with a copy of this Bylaw and advise the complainant of this notification;
  - (c) receive information from any witnesses who the Commissioner believes may have information relevant to the complaint, and this information may be received through written documentation, interviews, or informal hearings;

- (d) keep both the complainant and the Council Member aware of any allegations made against them and ensure that they are given a reasonable opportunity to respond; and
  - (e) inform the complainant and the Council Member that they may be accompanied by a representative, including a lawyer, of their choice during the Formal Review process, including the closed meeting described in sections 84 and 85 of this Bylaw.
72. If the Council Member fails to respond, the Mayor at the request of the Commissioner may compel witnesses under section 134 of the *Community Charter*.
73. The Commissioner shall ensure all details, dates, conversations and meetings are documented. These working records created by the Commissioner are confidential. Once the investigation has been completed, the Commissioner shall prepare a written report and provide a copy of the report to the City Manager and Council. The report must, at a minimum, contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether a contravention occurred. The report may also provide recommendations with respect to the potential outcome.

#### **Council Determination of Measures**

74. Council shall decide on the appropriate measures, if any, are warranted by a contravention of this Bylaw and shall take such action as Council considers appropriate in the circumstances, after:
- (a) reviewing the report of the Commissioner;
  - (b) considering the factors described in section 75 and the measures enumerated in section 76; and
  - (c) conducting a closed meeting in accordance with the process described in sections 84 and 85 of this Bylaw.
75. In determining the appropriate measure, Council shall consider the following factors:
- (a) the degree and nature of the conduct;
  - (b) whether the contravention was a single or repeated act;
  - (c) whether the Council Member was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;
  - (d) the nature of the work relationship of the complainant and the respondent, and whether the Council Member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;

- (e) the impact of the contravention on the complainant;
  - (f) the Council Member's acknowledgment of wrongdoing; and
  - (g) the Council Member's history of other contraventions.
76. Council may impose the following measures after considering the factors described in section 75, including, but not limited to:
- (a) an apology from the Council Member in substantially the form set out in Schedule B;
  - (b) removal of the Council Member from appointments such as chairperson, committees, commissions or Advisory Boards;
  - (c) motion of censure;
  - (d) mandatory training on City Business, the *Community Charter*, or this Bylaw;
  - (e) referral to a prosecutor or police;
  - (f) any other action recommended by the Commissioner; and
  - (g) any other measure permitted by the *Community Charter*, the *Local Government Act*, the *Local Elections Campaign Financing Act* and the *Charter of Rights and Freedoms*.
77. The Council decision under section 74 will be in writing and provided to the complainant and Council Member within ten working days of the closed meeting conducted in accordance with sections 84 and 85 of this Bylaw.

### **Staff Responsibilities in the Complaint Process**

78. If the Commissioner concludes that a contravention has occurred, the City Manager shall consider reasonable action to protect the complainant from any subsequent action or reprisal. The City Manager shall also consider reasonable action to protect the rights of the subject Council Member and to see that no reprisal takes place beyond the measure determined by Council.
79. If the Commissioner finds that the original complaint was initiated in bad faith, with willful misconduct or intent to harm, where the complainant is a Council Member, Council may consider appropriate measures in respect of the complainant and where the complainant is Staff, the City Manager may consider appropriate measures in respect of the complainant.

80. A copy of the Commissioner's report and the Council decision will be retained in a confidential file maintained by the City Manager, except when all or part of the decision is disclosed to the public in accordance with the *Freedom of Information and Protection of Privacy Act*.
81. The Commissioner may proceed with a Formal Review even if the complainant withdraws the complaint.
82. If approved by Council, the City Manager shall consider implementing administrative changes to City policies or procedures recommended by the Commissioner's report.

### **Fairness Procedures Applicable to Council Determination of Measures**

83. Sections 84 and 85 only apply if the complaint is not resolved under sections 54 through 63 of this Bylaw and if Council is considering measures under section 74.
84. The Mayor, or the Corporate Officer if the Mayor is alleged to have contravened this Bylaw, will notify the affected Council Member in writing that Council will be considering their conduct at a closed meeting. The notice and form of resolution where a breach is believed to have been proved are set out in Schedule A. The notice must be delivered at least seven business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with section 74 of this Bylaw. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the affected Council Member may be represented by legal counsel, which may be reimbursed in accordance with section 89 of this Bylaw.
85. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:
  - (a) Council will read the Commissioner's determination of whether a contravention of this Bylaw occurred;
  - (b) the affected Council Member will be provided with reasonable notice in accordance with section 71(b) and given the opportunity to make submissions to Council, with legal counsel if the Council Member desires, which submissions, without limitation, may include explanations for the impugned behavior or suggestions on the measures that Council might impose as a result of the conduct;
  - (c) after the affected Council Member has made the submissions to Council, the Council Member will leave the meeting room and those Council Members without a conflict of interest will consider the measures, if any, to impose in accordance with section 76 of this Bylaw; and
  - (d) written notice of the decision will be given in accordance with section 77 of this Bylaw.



## **Mandatory Training**

86. If the Commissioner recommends mandatory training for a Council Member, and if Council resolves to accept the recommendation pursuant to section 76(d) of this Bylaw, then the Council Member shall attend the training.

## **Obstruction**

87. It is a contravention of this Bylaw to obstruct the Commissioner in the carrying out of their responsibilities, as for example, by the destruction of documents or the erasing of electronic communications relevant to a complaint.

## **Legal Fees**

88. If a member of Staff is a complainant under this Bylaw, the City Manager may authorize the member of Staff to be reimbursed for legal fees reasonably incurred if the complaint was meritorious and a written request for reimbursement is filed with the City Manager within three months of any final disposition of a complaint under this Bylaw.
89. The City will pay the reasonably incurred legal fees of a Council Member who is subject to a complaint under this Bylaw, provided that:
- (a) the Commissioner ultimately does not determine that the Council Member acted with dishonesty, gross negligence, or malicious or willful misconduct; or
  - (b) in any event, if Council so resolves after considering all the circumstances.

## **General**

90. The Corporate Officer will cause
- (a) this Bylaw to be visible and accessible on the City's website, and
  - (b) electronic copies of this Bylaw to be made available to all Staff and Council Members in easily accessible locations, including the City's intranet.
91. If any portion of this Bylaw is inconsistent with a binding collective agreement with the City or federal or provincial legislation, that portion and only that portion of this Bylaw will have no application to the extent of that inconsistency and all other portions of the Bylaw will continue in full force and effect.

**Citation**

92. This Bylaw may be cited as the "Council Code of Conduct Bylaw, 2020, No. 20020".

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

## SCHEDULE A

### NOTICE TO COUNCIL MEMBER OF COUNCIL CONSIDERATION OF BREACH OF THE COUNCIL MEMBER CONDUCT BYLAW

#### CONFIDENTIAL

*Date*

Dear [*Insert Name of Subject Council Member*],

Please be advised that the City of Surrey Ethics Commissioner (the "Commissioner") believes that you may have breached **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**. I am placing this matter on the agenda of the Council closed meeting to be held on [*Insert date - must be at least seven business days from date this is delivered to member*].

The reason for the meeting is to consider the Commissioner's report and recommendations, and to consider a resolution in relation to this breach.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from the breach, including removing you from your appointment to committees or other appointments, censuring you, requiring an apology, requiring training, referral to a prosecutor or police, seeking damages, releasing a public statement, or following any other recommendation of the Ethics Commissioner.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting at the in-camera meeting to determine which sanction they wish to invoke, if any, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and any other documents that Council may have before it.

Following any submissions, you (or your legal counsel) make at the in camera meeting, Council will retreat and consider this matter. We will attempt to decide what measure or measures (if any) are appropriate under the bylaw.

Regarding any Council decisions, we will provide you with written reasons for our decision(s).

Sincerely,

(Mayor)

Encls

**SCHEDULE A (Continued)**  
**RESOLUTION (IN CAMERA)**

**CONFIDENTIAL**

Whereas Council has concluded that [*Insert name*] has breached **COUNCIL CODE CONDUCT BYLAW, 2020, NO. 20020**, by [INSERT];

And Whereas [*Insert name*] has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular [*Insert name*] was notified at least seven business days in advance:

- (a) that Council would be considering the matter of the breach of and was given a copy of this draft Resolution and any documents that may be considered by Council, including the report and recommendations of the City of Surrey Ethics Commissioner;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including an in-camera motion of censure, removal from any appointment to committee or external entity, referral to law enforcement or a prosecutor, seeking damages, reduction or elimination of remuneration, or public notification of any sanctions;

Whereas [*Insert name*] was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas [*Insert Name*] was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by [*Insert Name*] and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate measures;

Whereas Council has provided united or separate written reasons so that [*Insert name*] understands the basis for the decision to address the concern that [*Insert name*] is alleged to have breached the bylaw;

Be it Resolved as follows:

1. That Council shall address what it has concluded to be a breach of **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**, by way of (as applicable):
  - (a) A motion of censure;
  - (b) Removal from [*insert name*] committee or [*Insert outside appointment*];

- (c) Revocation of appointment to [insert external agency or entity];
- (d) Referral to a crown prosecutor;
- (e) Public notification of sanctions;
- (f) Seeking damages;
- (g) Referral to police for an investigation under the Criminal Code or [*Insert provincial statute*];
- (h) Mandatory training;
- (i) Requirement for apology.

2. That Council will consider pursuing all legal options available with respect to any potential future breaches of the bylaw on the part of [*Insert name*];
3. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act*, substantially with the content of the following: [*Insert wording*].

**SCHEDULE B**

[DATE]

**PERSONAL AND CONFIDENTIAL**

[Name of Recipient]

[Title]

City of Surrey

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

---

As you know, on [date], I [*Briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it.*]

On [date], you confronted me about my behaviour/conduct and expressed [*describe briefly the conduct complained of and how it affected the offended person.*]

I acknowledge that my conduct / actions made you feel [*describe how it affected the offended person*] and I admit that my [*actions / conduct*] were [*reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.*].

Having reflected on [*your complaint / our conversation/ the decision of Council*], I take full responsibility for my [*actions / conduct*] and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of [*identify the section(s) of the Code of Conduct breached*].

**(ALTERNATIVELY, IF HELD BY COUNCIL TO HAVE BEEN A VIOLATION OF THE CODE OF CONDUCT REPLACE WITH THE BELOW:**

In light of Council having concluded that my conduct constituted a violation of the City's Council Code of Conduct, I acknowledge that my conduct / actions made you feel [*describe how it affected the offended person*] and I admit that my [*actions / conduct*] were [*reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.*])

Going forward, I commit to being more careful in my [**words / actions**] and to making better efforts to respect and abide by my obligations set out in the Code of Conduct.

Please accept my heartfelt apology.

Sincerely,

*[name]*

*[title]*

For Your Information: British Columbia's **Apology Act** provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability.

"Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault."

The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter.

Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

CITY OF SURREY

BYLAW NO. 20056

A bylaw to amend the provisions of the "Council  
Procedure By-law, 2004, No. 15300",  
as amended

.....

The Council of the City of Surrey ENACTS AS FOLLOWS:

**Definitions**

1. The "Council Procedure By-law, 2004, No. 15300", as amended, is hereby further amended as follows:

(a) Section 2, Definitions, is amended by deleting the definition of "City Hall" in its entirety and replacing it with the following:

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

(b) Section 2, Definitions, is amended by inserting the following between the existing definitions of "City Clerk" and "Committee":

"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;"

(c) Insert a new Section 24.1 after Section 24, Rules of Decorum, as follows:

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

(d) Section 25, Authority of the Chair Regarding Conduct of Members, is amended by deleting the section in its entirety and replacing it with the following:

"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."

- (e) Section 26, Authority of the Chair Regarding Conduct of Members, is amended by deleting the section in its entirety and replacing it with the following:

"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."

- (f) Section 29, Confidentiality, is amended by deleting the section in its entirety and replacing it with the following:

"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. "

- (g) In Section 30(1), Points of Order, Information and Privilege, insert the word "currently" after the phrase "on a motion to which a member is" and before the word "speaking".

**Citation**

1. This Bylaw may be cited as the "Council Procedure Bylaw, 2004, No. 15300, Amendment Bylaw, 2020, No. 20056".

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2020.

NOTICE OF INTENTION ADVERTISED in the \_\_\_\_\_ newspapers on the \_\_th and \_\_th day of \_\_\_\_\_, 20\_\_.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

**CITY OF SURREY**

**COUNCIL PROCEDURE BY-LAW NO. 15300**

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

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

Table of Contents

	Page
<b>PART ONE: INTRODUCTION</b>	
1. Title.....	1
2. Definitions.....	1
<b>PART TWO: COUNCIL MEETINGS</b>	
3. Council Schedule .....	1
4. Notice of Council Meeting Schedule.....	2
5. Inaugural Meeting.....	2
6. Regular Council Land Use.....	2
7. Regular Council .....	2
8. Regular Council Public Hearing.....	3
9. Closed Council Meetings.....	3
10. Special Council Meetings .....	3
11. Council-in-Committee Meetings .....	3
<b>PART THREE: COUNCIL MEETING AGENDAS</b>	
12. Council Meeting Agendas.....	3
13. Availability of Council Meeting Agendas .....	4
14. Council Meeting Agenda Additions and Deletions .....	4
<b>PART FOUR: DESIGNATION OF A MEMBER TO ACT IN PLACE OF MAYOR</b>	
15. Method of Designation .....	4
<b>PART FIVE: OPENING OF COUNCIL PROCEEDINGS</b>	
16. Quorum of Council .....	5
17. Call to Order .....	5
<b>PART SIX: MINUTES OF COUNCIL, COMMITTEES, BOARDS AND COMMISSIONS</b>	
18. Minutes of Council and Council Committee Meetings – General.....	5
19. Required Content – Council Minutes .....	5
20. Required Content – Committee/Board/Commission Minutes .....	6
21. Circulation of Minutes .....	6
22. Closed Meeting Minutes.....	6
<b>PART SEVEN: RULES OF CONDUCT IN COUNCIL MEETINGS</b>	
23. Addressing Mayor and Council .....	7
24. Rules of Decorum .....	7
25. Authority of the Chair Regarding Conduct of Members .....	7
26. Authority of the Chair Regarding Conduct of Members .....	7

**PART EIGHT: RULES OF DEBATE IN COUNCIL MEETING**

27. Debating Motions.....7  
28. Mayor to Speak to a Motion .....8  
29. Confidentiality .....8  
30. Points of Order, Information and Privilege.....8  
31. Appeal the Decision of the Chair.....9

**PART NINE: MOTIONS**

32. Proposing and Withdrawing of Motions.....9  
33. Order of Precedence of Motions .....9  
34. Referral Motions .....9  
35. Tabling Motions.....10  
36. Amending Motions .....10  
37. Sub-Amendments.....11  
38. Scope of Amendments .....11  
39. Notice of Motion.....11

**PART TEN: VOTING ON A MOTION**

40. Method of Voting.....11  
41. Severability of Motions.....12

**PART ELEVEN: BRINGING BACK MOTIONS BEFORE COUNCIL**

42. Mayor May Bring Back for Reconsideration.....12  
43. Bringing Back Adopted Motions .....13  
44. Bringing Back Defeated Motions .....14

**PART TWELVE: RECESSES AND ADJOURNMENT**

45. Recess .....14  
46. Adjournment .....15

**PART THIRTEEN: DELEGATIONS TO COUNCIL**

47. Applications .....15  
48. Council Direction.....15  
49. Presentations by Public Delegations .....15  
50. Presentations by Public Delegations .....15  
51. Presentations by Public at Public Hearings .....15  
52. Presentations by Public at Public Hearings .....16  
53. Presentations by Public at Public Hearings .....16

**PART FOURTEEN: BY-LAWS AND BY-LAW READINGS**

54. By-law Procedures .....16  
55. By-law Procedures .....16  
56. By-law Procedures .....16  
57. By-law Procedures .....16  
58. By-law Procedures .....16

**PART FIFTEEN: COMMITTEES**

59. Notice.....16  
60. Notice.....16  
61. Closed Committee/Board/Commission Meetings.....17  
62. Rules of Procedure.....17  
63. Sub-Committee .....17  
64. Quorum and Membership .....17  
65. Mandate of Standing and Select Committees .....17  
66. Ratification by Council.....18

**PART SIXTEEN: BUSINESS LICENSE COMMITTEE HEARING**

67. Business License Committee Hearing Procedures .....18

**PART SEVENTEEN: REPEAL OF BY-LAW 13600**

68. ....19

## **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 ~~14245—5613450 – 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 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;

"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;

"Public Notice Posting Place" means the bulletin board in the main floor lobby at City Hall.

## **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

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.

#### Inaugural Meeting

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

#### 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.
- (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.



- (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 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.
- (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 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.

#### 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 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 Mayor, a member contravenes the provisions of Section 24, the Mayor may ask that member to withdraw the offensive remarks or cease the offensive behaviour, and may, if the circumstances so warrant, order the member to leave the Council Chambers.~~

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 the member refuses to leave the meeting, a peace officer may enforce the order as if it were a court order.~~

~~If the offending member apologizes, Council by a majority vote may permit the member to resume his or her seat.~~

~~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 keep in confidence information considered in any part of a closed Council or Committee meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public. 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