



City of Richmond

Report to Committee

To: General Purposes Committee

Date: February 6, 2004

From: J. Richard McKenna
City Clerk

File: 8060-20-7662

Re: Council Procedure Bylaw Changes - Community Charter

Staff Recommendation

1. That staff proceed with the public notification required by the *Community Charter*, for Bylaw No. 7662.
2. That Bylaw No. 7662, which effects several minor changes to the Council Procedure Bylaw, required by the *Community Charter*, be presented to council for introduction and first, second and third readings on March 22nd, 2004.
3. That the Council policy (adopted in February of 1990) which established the rotating appointment process for Acting Mayors be rescinded, effective on the date of the adoption of Bylaw No. 7662.

J. Richard McKenna
City Clerk
(3266)

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Staff Report

Origin

With the coming into effect of the *Community Charter* on January 1st, 2004, several minor changes are required to the Council Procedure Bylaw, which must be effective by the end of April. In several cases these bylaw changes reflect practices which Richmond has already been undertaking for many years, but which must now be mandated into the Council Procedure Bylaw itself.

Analysis

The first Council Procedure Bylaw change is to *establish the first regular council meeting date...as a day in the first 10 days of December following a general local election*. Until the *Community Charter*, this “first meeting” (but not necessarily the first *regular* meeting) had been determined by the *Local Government Act* for all jurisdictions in BC as “*the first Monday after December 1st in the year of the election*”. As with many jurisdictions, in Richmond this “first meeting” has always been known as the Inaugural Council Meeting, and business is traditionally limited to the swearing-in ceremony, an inaugural address by the Mayor, and the appointment of council members to regional and local bodies/committees. This would be followed by the first *regular* meeting a week later on the second Monday of the month (in accordance with the Council Procedure Bylaw). Now, however, for reasons which I do not fully understand, but which I am informed was made to accommodate the appointment of Regional District Directors by municipal councils immediately after an election, council must “*establish the first regular council meeting date...as a day in the first 10 days of December following a general local election*”. What this means is that notwithstanding that council’s chosen day to hold the first regular meeting in December is the second Monday, the *Community Charter* requires council to ensure that the first regular meeting takes place “*in the first 10 days of December*” and to designate another day if it does not.

The consequence of this is that an anomaly in the council meeting schedule must be created in every election year, and I have proposed that the first regular meeting be held on the first Monday (when the “inaugural meeting” would usually be held) and that the second regular meeting of that month be held on the second Monday. The public hearing would be on the 3rd Monday as usual. A much more complicated schedule for the meetings in December of an election year could be created under which only 3 or 4 of every 7 would change to this new schedule, but in the interests of simplicity and public understanding I am recommending that all meetings in December in an election year be put on this new schedule. The amendment to effect this change for both regular council meetings and regular (closed) council meetings is in section 1 of bylaw No. 7662. If indeed this *Community Charter* requirement was brought in to facilitate municipal appointments to the 26 Regional District Boards across the Province, it may have been possible to accomplish this more easily by having the meeting date for the election of the chair and vice-chair of a Regional District (which is at the discretion of each Regional Board itself and not dictated by statute) simply moved a few days later in December in an election year.

The second Council Procedure Bylaw change is to *establish the procedure for designating a councillor as acting Mayor*. Under the *Local Government Act* the appointment of an acting Mayor was by council resolution and in Richmond this was undertaken annually in early December for the following year, based on the availability of the councillors for specific months. Furthermore, in 1990 council adopted a policy (copy attached) which had the effect of having the acting Mayor duties transfer down the list of acting Mayors named for each month, on an as needed basis. Section 2 of bylaw No. 7662 brings this acting Mayor appointment process and the “transfer down” policy within the Council Procedure Bylaw itself. I presume that requiring this appointment process to be in a bylaw rather than directly prescribing it in the statute was to give those jurisdictions who wish to do so the opportunity to choose an alternative, and perhaps less formal appointment process, for an acting Mayor.

The third Council Procedure Bylaw change is to *provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes*. This is an ‘interesting’ new requirement in that these exact duties were among the duties prescribed for the corporate officer (the City Clerk) in the *Local Government Act* and are still so prescribed for the corporate officer in another section of the *Community Charter*. Nevertheless the latter mandates that these duties also be included, presumably to the level of detail which each municipality now chooses, in the Council Procedure Bylaw. Section 3 of Bylaw No. 7662 accomplishes this by bringing the city’s existing, and long standing practices with regard to minute taking and certification into the bylaw.

The fourth Council Procedure Bylaw change is to *provide for advance public notice respecting the time, place, and date of council committee meetings*. Under the *Community Charter* “council committees” are defined as meaning (i) standing committees, (ii) select committees and (iii) any other body established by council which is comprised solely of council members. The latter are extremely rare but it is possible that council could create such a body, and it would be prudent to provide for it in the bylaw. Since providing for advance notice of both standing and select committee meetings is already addressed in the Council Procedure Bylaw, only a minor amendment is required to include this third, rare, category. This is accomplished by Section 4 of Bylaw No. 7662.

The fifth Council Procedure Bylaw change is to *identify places that are to be public notice posting places*. Currently all public notices appear on the notice board which is attached to the glass wall on the main floor at the north west corner of city hall next to the plaza. This notice board is visible from outside the building 24 hours a day. It is not customary to include in a bylaw something as specific as the location of an object such as a notice board within a building. Nevertheless the *Community Charter* appears to require this and the approach I have taken is to define “public notice posting places” by reference to a location map attached to the bylaw as a schedule. Section 5 of bylaw No. 7662 accomplishes this. It should be noted that public notices of meetings of council and its committees are posted on the city website and this practice will, of course, continue. But posting to the website should not be mandated as a requirement in the bylaw in case such posting cannot be achieved because of circumstances beyond the normal control of the city such as a general internet service interruption due to a power failure or virus attack.

The sixth Council Procedure Bylaw change is to update all references in the bylaw from *Local Government Act* to *Community Charter*. This is accomplished by Section 6 of Bylaw No. 7662.

Financial Impact

None

Conclusion

As stated at the beginning of this report, most of these bylaw amendments required by the *Community Charter* are more cosmetic than substantive, and in the main reflect Richmond's existing practices. Although some would suggest that these are mere 'statements of the obvious', I understand that there is a wide interpretation of what one would consider 'obvious' given the diversity of communities in the Province.

A handwritten signature in black ink, appearing to read "J. Richard McKenna", with a long, sweeping horizontal flourish extending to the right.

J. Richard McKenna
City Clerk
(3266)

JRM:fja



Council Procedure Bylaw No. 7560, Amendment Bylaw No. 7662

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7560 is amended:

(a) by adding the following as subsection 1.1.2,

“Notwithstanding the provisions of clause (a) of subsection 1.1.1, in the month of December following a General Local Election, the first **Regular Council Meeting** must be held on the first Monday of that month, and the second **Regular Council Meeting** on the second Monday of that month;” and

(b) by adding the following as subsection 1.3.2,

“Notwithstanding the provisions of clause (a) of subsection 1.3.1, in the month of December following a General Local Election, the first **Regular (closed) Council Meeting** must be held on the first Monday of that month, and the second **Regular (closed) Council Meeting** on the second Monday of that month;”

and by renumbering the existing subsection 1.3.2 as subsection 1.3.3.

2. Bylaw No. 7560 is amended by adding the following as Section 4.2 and by re-numbering the existing Section 4.2 as Section 4.3:

4.2 Appointment of an Acting Mayor

4.2.1 An Acting Mayor must be appointed by **council** on a recommendation from the **Mayor**, for each month of the subsequent year, at the first **Regular Council Meeting** in December of each year, and on an as-needed basis thereafter.

4.2.2 During a period when an Acting Mayor is absent or otherwise unable to act, and in the continued absence, or inability of the **Mayor** to Act, or when the office of **Mayor** is vacant, the Councillor designated in accordance with subsection 4.2.1 for the following month must be the Acting Mayor for the current month until all of the Acting Mayors so designated have been exhausted, at which point the names of the Acting Mayors so designated would repeat in sequence.

4.2.3 For the purposes of transferring the duties of **Mayor** to the Acting Mayor, the **Mayor** must where possible, notify the **City Clerk** of this transfer and of any re-transfer of duties back to the **Mayor**.

4.2.4 For the purposes of transferring the duties of Acting Mayor to other Councillors, the Acting Mayor for that month must where possible, notify the **City Clerk** of such transfer and of any re-transfer of duties and the City Clerk must, by the means appropriate in the circumstances, advise the **Mayor** of such transfer or re-transfer of duties.

3. Bylaw No. 7560 is amended:

(a) by adding the following as subsection 5.1.1 and by re-numbering the existing subsection 5.1.1 as subsection 5.1.2,

5.1.1 The minutes of:

- (a) each **Regular Council Meeting, Regular Council Meeting for Public Hearings, and Special Council Meeting;** and
- (b) each meeting of a **Standing Committee, Select Committee,** or other body established by **Council** that is comprised solely of members of **Council,**

from which the public has not been excluded, must be recorded in written form in the case of (a) by the **City Clerk**, and in the case of (b) by the **City Clerk** or a designate;

(b) by adding the following as subsection 5.1.3:

5.1.3 Upon their adoption, the minutes of:

- (a) each **Regular Council Meeting, Regular Council Meeting for Public Hearings and Special Council Meeting;** and
- (b) each meeting of a **Standing Committee, Select Committee,** or other body established by **Council** that is comprised solely of members of **Council,**

from which the public has not been excluded, must in the case of (a), be certified as correct by the **City Clerk** and signed by the **Mayor**, and in the case of (b), certified by the **City Clerk** or a designate and signed by the Committee Chair.

(c) by adding the following as subsection 5.2.1 and by re-numbering the existing subsection 5.2.1 as subsection 5.2.2,

5.2.1 The minutes of:

- (a) each **Regular (Closed) Council Meeting**, and each **Special Council Meeting**; and
- (b) each meeting of a **Standing Committee, Select Committee**, or other body established by **Council** that is comprised solely of members of **Council**,

from which the public has been excluded, must be recorded in written form in the case of (a) by the **City Clerk**, and in the case of (b) by the **City Clerk** or a designate; and

- (d) by adding the following as subsection 5.2.3,

5.2.3 Upon their adoption, the minutes of:

- (a) each **Regular (Closed) Council Meeting** and each **Special Council Meeting**; and
- (b) each meeting of a **Standing Committee, Select Committee**, or other body established by **Council** that is comprised solely of members of **Council**,

from which the public has been excluded, must in the case of (a), be certified as correct by the **City Clerk** and signed by the **Mayor**, and in the case of (b), certified as correct by the **City Clerk** or a designate and signed by the Committee Chair.

- 4. Bylaw No. 7560 is amended by adding the following words at the end of subsection 18.1.2, "and to any other body established by **Council** which is comprised solely of **Council** members."

- 5. Bylaw No. 7560 is amended:

- (a) by adding the following definition in alphabetical order to Section 21.1:

PUBLIC NOTICE POSTING PLACE means the place within the Richmond City Hall shown on Schedule A which is attached and forms part of this bylaw.

- (b) by deleting:

- (i) the words "on a notice board in Richmond City Hall" in subsections 2.1.2(b), 2.1.3, 17.5.1(c) and 17.5.2;
- (ii) the words "in the Richmond City Hall" in subsection 2.1.4;
- (iii) the words "in a conspicuous place in the Richmond City Hall" in subsection 16.3.1(c),

and by substituting “in the **public notice posting place**” in each case.

6. Bylaw No. 7560 is amended:

(a) by deleting the words “*Local Government Act*” wherever they appear in Part One through Part Twenty inclusive, and by substituting the words “*Community Charter*” in each case; and

(b) by deleting, in Part Twenty-One:

(i) the definition of “City Clerk” and by substituting the following,

“CITY CLERK means the municipal officer appointed by **Council** and assigned the responsibility of corporate administration pursuant to Section 148 of the *Community Charter*.”

(ii) the words “the *Local Government Act*”, and by substituting the words “Section 132 of the *Community Charter*” in the definition of Point of Order;

(iii) the words “authorized by Section 222.1 of the *Local Government Act* and governed by”, and by substituting “as specified in” in the definition of Regular Council Meeting;

(iv) the words “Section 242.2 of the *Local Government Act*”, and by substituting “Section 126 of the *Community Charter*” in the definition of Regular (Closed) Council Meeting;

(v) the words “Section 238 of the *Local Government Act*”, and by substituting “Section 142 of the *Community Charter*” in the definition of Select Committee;

(vi) the words “Section 222.1 of the *Local Government Act*”, and by substituting “Section 126 of the *Community Charter*” in the definition of Special Council Meeting; and

(vii) the words “Section 239 of the *Local Government Act*”, and by substituting “Section 141 of the *Community Charter*” in the definition of Standing Committee.

7. This Bylaw is cited as “**Council Procedure Bylaw No. 7560, Amendment Bylaw No. 7662**”.

PUBLIC NOTIFICATION

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

SCHEDULE A to BYLAW NO. 7662

