



**City of Richmond**

**Report to Committee**

**To:** General Purposes Committee

**Date:** June 25, 2003

**From:** J. Richard McKenna  
City Clerk

**File:** 8060-20-7560

**Re:** **REVISED COUNCIL PROCEDURE BYLAW**

**Staff Recommendation**

1. That Council Procedure Bylaw No. 7560 be forwarded to Council on July 28<sup>th</sup>, 2003 for first, second and third readings.
2. That the following Council policies which establish standing committee mandates, each be forwarded to Council for rescission on July 28<sup>th</sup>, 2003:
  - (a) Health & Social Services Committee (adopted January 18, 1988);
  - (b) Planning and Development Services Committee (adopted January 28, 1988);
  - (c) Public Works and Services Committee (adopted February 9, 1988);
  - (d) Parks and Recreation Committee (adopted March 14, 1988); and
  - (e) Finance and Administration Committee (adopted March 14, 1988 and amended October 10, 1989).
3. That the Council Policy (No. 1312) regarding the procedures for conducting public hearings be forwarded to Council for amendment on July 28<sup>th</sup>, 2003 (in accordance with the report dated June 25<sup>th</sup>, 2003, from the City Clerk)
4. That the Mayor announce Council's intent to consider changes to council procedures, as required by the provisions of the *Local Government Act*, at the July 14<sup>th</sup>, 2003 regular council meeting.

J. Richard McKenna  
City Clerk

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## Staff Report

### Origin

Attached is a revised Council Procedure Bylaw which is being presented for a number of reasons. First, council has directed that the list of non-delegable items at council and committee be expanded to include General Compliance rulings on Development Permits, and staff are taking this opportunity to propose further delegation exclusions. Second, although only 3 years old, the existing bylaw is in need of updating because of compliance with statute references and language consistency with other, more recent bylaws. Third, it is apparent over the last few years that a number a revisions to seek clarity, strengthen certain provisions, and eliminate ambiguities are required in the bylaw. These proposed changes are explained in the remainder of this report.

### Analysis

#### Non-delegable items and the option to decline to hear delegations in specific circumstances

Not surprisingly, public delegations to council remain a difficult area on which to find a satisfactory compromise. Currently, Richmond has the most open delegation practice in Greater Vancouver, and this should be seen as a positive situation rather than a negative one. My opinion is that the community should have as easy a route to its elected representatives as possible, without compromising council's ability to function effectively. Having said that, there are some specific situations where it would be prudent to limit delegations. In addition, council should not feel obliged to hear delegations every time it meets. Instead an option has been provided to refer delegations to an alternative forum, as well as to defer delegations to a special meeting, but only in specific circumstances. In addition, council will have the option to decline to hear "back to back" delegations by the same person(s) on the same subject. Section 13.3 shows this expanded list of "non-delegable items", with (b)(ii), (e) and (f) being the additions. Section 13.4 establishes the circumstances under which council may decline to hear delegations. The corresponding sections for delegations to standing committees are 14.3 and 14.4 respectively.

#### Delegation rules at standing committees

Currently the rules for delegations at committee meetings are quite casual and this may have lead to some confusion for the public who are not regular attendees at such meetings. I believe the goal should be to have delegations at committee meetings meet similar criteria and follow a similar procedure to those at council itself. Having said that, the chairs of the standing committees may wish to retain some flexibility as to whether to hear delegations at the beginning of a meeting (as is the case with council) or on an item by item basis. Both of these options are quite workable and have been provided for in the bylaw, but it is important that the delegation procedure being used be made clear by the chair at the beginning of each committee meeting.

I am not recommending imposing a time limit for delegations at the committee level, but rather leaving this to the discretion of the chair, as it is now. My view is that it is better to "get everything out" and resolved at the committee level than to carry unfinished business forward to council, even if that means being more flexible on speaking time for delegations at committee. Part Fourteen of the bylaw addresses all of these issues.

### Simplification of the “Notice of Motion” provisions

There are three different situations covered by the common term “Notice of Motion” in the current bylaw. This has proven to be unnecessarily confusing and now each of these three has been given a more descriptive term which reflects their individual purpose. They are:

(a) “Notice of Motion to Defer” – This is dealt with in subsections 3.4.2, 3.4.3 and 3.4.4. Other than this minor clarification of the title there are no changes to how this type of Notice of Motion is served.

(b) “Notice of Motion to Rescind” (a resolution) – this is addressed in Part Ten of the bylaw. Although all of the sections dealing with the rescission of a resolution have been rewritten and simplified, the existing practice remains largely unchanged – with one minor exception. Namely, a motion to rescind will not be amendable, since regardless of any amendment, the resolution (and its amendment) would still be eliminated if the rescission motion succeeded, as such a motion would be worded “That the following motion be rescinded....” More important though is the notion that the rescission of a resolution is a serious matter and any concerns which would require a resolution to be rescinded should not be solved by a “band aid” remedy such as an amendment, but rather by way of a new “clean” resolution. One other noteworthy issue in the rewrite of these sections is to clarify that the rescission of a resolution can be dealt with at a special council meeting called for that purpose.

(c) “Notice of Motion to Reconsider” (a defeated motion) – this is addressed in Part Eleven of the bylaw and mirrors the “Notice of Motion to Rescind” described in (b) immediately above. Again the text has been completely rewritten and simplified, however, the current practice remains largely unchanged except that a member of council will be permitted to withdraw a motion to reconsider a defeated motion, but only if no member of council objects. As in (b) above, the reconsideration of a defeated motion can be dealt with at a special council meeting called for that purpose.

### Clarification and Simplification of the terms “Points of Order/Clarification/Information

The above terms are used in the current Council Procedure Bylaw without there being any explanation as to their proper use or the distinction between them. Also, somewhat surprisingly perhaps, the bylaw does not provide for a member to raise a Point of Privilege. I would like to rationalize these into 3 distinct and defined terms, namely “Point of Order” “Point of Information” and “Point of Privilege”. The use of each of these is explained in section 7.3, and for the first time each is defined in Part 21 of the bylaw.

### Two-thirds vote to suspend the rules of procedure

Currently the Procedure Bylaw stipulates that any rule of procedure (except those which are set in the *Local Government Act* and referenced in the bylaw) can be waived by a simple majority of council. This has been the case in Richmond for quite some time, and although this provision has never been abused, I am somewhat uncomfortable with Richmond being out of step with most other jurisdictions and with parliamentary protocol on this issue, where even advocating unanimity to vary the rules of procedure is common. Given this, I feel the standard to vary or suspend the rules of procedure, which is a significant step and one which would only be used in

extreme and unusual circumstances, should indeed be subject to a higher standard than the simple majority required for all other motions. For this reason I am proposing that the more common two-thirds majority vote of council be required. Thus, six votes would be required regardless of the number of council members present, as prescribed for two-thirds votes in the *Local Government Act*. This is set out in section 20.3. It should be noted that the rather innocuous provision to ‘vary the order of business’ on the agenda remains at a simple majority of those present. (sub-section 3.1.1)

#### Severability of motions for a vote

This is dealt with in section 9.2. Here changes have been made to clarify that when a member of council asks for a vote to be called separately on different parts of a motion, that motion must be clearly severable. For example, where the motion is already shown in the agenda in separate elements, or where a motion ‘constructed on the floor’ clearly comprises these separate elements, severability is in order. But where a motion comprises a long text with no obviously separate elements, and where in the opinion of the Mayor attempting to sever out integral phrases in the motion are not possible or advisable, severability should not be permitted. Clarification has also been provided in subsection 9.2.3 that the severability of a motion is not forfeited because a motion has been amended. One final thought on this issue of severability – if a member of council makes their request for severance known before the Mayor calls the question, and it is determined that the severance is not possible, that member has the opportunity to propose an amendment to delete the words or phrase on which they wished to vote separately.

#### Scope of a referral motion

Referral motions are well used and understood, but it may be prudent to clarify the scope of a referral motion. The basic premise is that the scope of a referral motion is determined by the mover of that motion at the time such motion is proposed. In this way other members of council can decide whether or not to second the referral motion. A referral motion is in order when either the main motion, an amendment, or (rarely) a sub-amendment is on the floor. Here the referral can apply to the main motion, the amendment or the sub-amendment – as specified by the mover. Obviously if the mover of the referral specifies that the main motion is the subject of the referral, a successful referral would sweep up all of the amendments and any sub-amendments at the same time. This is set out in clause (c) of subsection 8.3.2.

#### Tabling Motions

Tabling motions in their various formats seem to be one of the most misunderstood of all the procedural tools, possibly because they are more favoured in American ‘parliamentary systems’ which are based on Robert’s Rules of Order, than in Canada where Bourinot is the standard reference. Not surprisingly, tabling motions have not been used frequently in Richmond, and perhaps because of this are only mentioned in passing in the current procedure bylaw. However, they do serve a useful purpose which the following scenario should illustrate. If, for example, at a public hearing council wished to vote on the imposition of zoning requirements when considering second and third readings of a bylaw, rather than proposing an amendment which imposes ‘conditions’ on the readings of a bylaw (but which do not actually amend the bylaw itself) a tabling of the bylaw reading would permit a subsequent motion on those requirements. Once the vote on the requirements was known, the reading of the bylaw could be lifted from the

table and could be dealt with with certainty. Thus tabling motions, either within the same meeting or to future meetings have been given some attention in this revised Council Procedure Bylaw and are the subject of a new section (8.4).

### Amendments to bylaws

The mechanics of how and when a bylaw can be amended are often misunderstood and this can result in awkward and confusing situations, especially at public hearings. The fundamentals of bylaw amendments are threefold. First a bylaw should only be amended during a reading of that bylaw, and if an amendment is required, a reading must be “put on the floor” to create the vehicle for the amendment. Second, a bylaw cannot be amended at adoption. Third, an amendment to a bylaw should be restricted to the content of the bylaw itself, and should not include matters merely related to the bylaw. These related matters should be the subject of a separate motion, and a bylaw reading should not “be qualified” or made “subject to” something else. Thus a new section (15.2) has been added to address and clarify the parameters of bylaw amendments.

### Additional items at Special council meetings

The current Procedure Bylaw is silent, and therefore uncertain, on whether or not additional items can be added to the agenda of a special council meeting – either open or closed. Obviously such additional items (usually routine ones) are commonly added to the agenda of regular council meetings by resolution, and any member can call for a Notice of Motion to Defer such item where the member feels unprepared to deal with the item “on the spot”. But special meetings are different in this respect as they are called to deal with one or more specific items, often in emergency circumstances. The statutory notice of the special meeting advises both council and the public of the purpose the special meeting and it is not customary to add additional (i.e. unannounced) items to that agenda.

The courts have upheld this notion as follows: *“The notices calling these (special) meetings did not specify that the matters dealt with in the resolutions would be brought up for consideration; and, therefore, if the meetings were not regular ones, it was not competent for the council to pass the resolutions. The common law recognized two kinds of meetings of the members, or of the governing bodies, of corporations - ordinary, stated or regular meetings; and special or extraordinary meetings. The characteristic distinction between these two kinds seems to lie in the fact that the former are held at fixed and definite periods, and that the latter are called to meet emergencies that may arise from time to time. The times of holding regular meetings being fixed, all members of the corporation will be taken to know that the meetings will be held at the times appointed; and, therefore, at such meetings, as a general rule, all business that concerns the corporation may be transacted. But while it is necessary that some one should be entrusted with the power to call special meetings, it is also plainly necessary, in order that the power may not be abused, that everyone entitled to take part in the meeting should receive reasonable notice that it will be held, and of the business that will be brought before it.”*

The reasoning behind this is that a member of council is fully available and prepared for regular council meetings and for the possibility of additional items being added, knowing there is the protection of the Notice of Motion to Defer provision. However, that same member may not be available or prepared to attend a special council meeting and must rely on the content of the

special meeting notice to determine whether the issue(s) are such that he or she should make arrangements to attend the meeting. But if items can be added to the agenda of a special meeting which a member of council is unable to attend, that member would not even be aware of those additional items – hence the position of the courts, and the Notice of Motion to Defer provision offers no protection if the member is not present to serve it. Some jurisdictions have tried to address this problem by requiring a two-thirds majority to add unannounced items to the agenda of special meetings, but I believe this would be challengeable as it still does not address the common law ruling quoted above. I have addressed this issue in section 3.5, which proposes that council can only deal with those items shown on the posted notice of a special meeting.

#### Miscellaneous administrative amendments

(a) Eliminating the provision for a vote to “call the question” on a motion. This was listed last as item (d) in the order of motion precedence in section 8.2. I have deleted this because it has not been used in Richmond in at least two decades, and would only be necessary to cut off debate where there was an abuse of the speaking rules (which are already governed by the Rules of Debate in Part Seven). Instead, and as shown in subsection 8.2.3, when the Mayor has determined that all those entitled to speak on a motion have done so he merely “calls the question” without seeking a vote to do so.

(b) Eliminating the requirement for a councillor to get permission from the Mayor to be absent when a vote is called. This was clause (d) of subsection 6.2.1. This provision is a parliamentary standard and a holdover from the old days when a member of council could be absent from portions of a meeting without giving any reasons. Now the *Local Government Act* specifically requires a member to declare absences for reasons of conflict and to provide an explanation for the minutes.

(c) Eliminating the reference in the current bylaw to the mandate of each standing committee “as being established by council policy”. This falls under section 17.3, which describes the duties of standing committees in quite general terms. There are, however, still ‘on the books’ (copies attached) standing committee mandates which were adopted as council policy some 15 years ago. As can be seen these are redundant for a number of reasons. I suspect that these policies were not updated each year since then because committee mandates can be more flexible and responsive to changing needs if not formally adopted by council. Thus this reference to the policies has been removed from the bylaw and the policies can be rescinded.

(d) Clarifying what happens in the unlikely event of a challenge of the chair. Although the authority for this comes directly from the statute, there is nothing in the current bylaw to spell out what actually happens in such circumstances. Thus a new section (7.6) clarifies that council business carries on after a successful challenge with the Mayor remaining in the Chair.

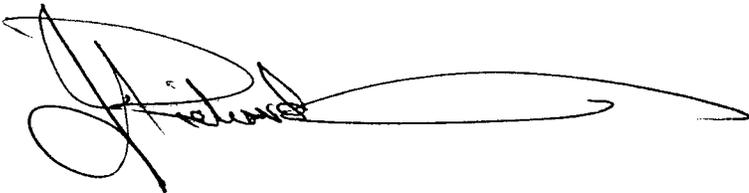
(e) Creating an exclusion from the important rule established in clause (a) of subsection 13.3.1 for council and in clause (a) of subsection 14.3.2 for committees, which precludes delegations on land use bylaws after first reading has been given. More specifically, where council is considering or has already determined, that a second (or subsequent) public hearing on a land use application is to be held, there is no harm in permitting delegations at council and/or committee after first reading or between public hearings. Subsections 13.3.2 and 14.3.2 address this issue.

**Financial Impact**

None.

**Conclusion**

I estimate that approximately 90% of the content of this new bylaw remains the same as the current bylaw, with the more important changes being addressed above. I have not provided very extensive explanations on these proposed changes as reading the sections themselves should make the matters in question self evident. Some cosmetic revisions have also been made to the policy which govern the opening statement read at each public hearing. Finally, council may wish to take this opportunity to bring to light any procedural issues which may need attention from an elected person's perspective.

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

J. Richard McKenna  
City Clerk  
JRM:fja



**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**HEALTH & SOCIAL SERVICES COMMITTEE**

**COMMITTEE COMPOSITION**

- The Committee is composed of four Councillors.
- The Mayor is a member ex-officio.

**COMMITTEE MANDATE**

- To develop and recommend to Council goals for provision of health and social services.
- To review and assess the performance of the Health and Social Services Committee and to ensure that the services provided are done so in a cost-efficient manner and in accordance with the policies of Council.
- To review and prioritize health and social services budgets.

**ROLES AND RESPONSIBILITIES**

- To serve as a vehicle whereby the public can bring to the attention of the elected officials matters which cannot be satisfactorily resolved by staff.
- To review the Health and Social Services Committees' priorities.
- To provide input into long-range planning of health and social services.
- To consider technical problems on its own initiative and as referred to it by Council, and to make recommendations to Council on these problems.
- To review departmental mandates.

TO BE RESCINDED



**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**PARKS AND RECREATION COMMITTEE**

### COMMISSION COMPOSITION

- The Commission is composed of three Councillors.
- One School Trustee is appointed by the Richmond Board of School Trustees.
- The Mayor is a member ex-officio.
- An alternate School Trustee may be appointed with the right to participate and vote only in the absence of the prime appointee.
- The Director of Parks and Leisure Services shall act as Secretary to the Parks and Recreation Commission.

### COMMISSION MANDATE

The Parks and Recreation Commission was established by City bylaw as a Standing Committee of Council to:

1. Make recommendations to Council and the School Board on any matter relating to:
  - a) acquisition, design, development, maintenance, and use of any public park, boulevard, school playfield, or any building or facility used or intended to be used for recreational or community purposes;
  - b) recreational, cultural, sport, fitness and outdoor education policy, programs, or projects for public recreation;
  - c) the Statement of Policy as approved by the City and the Board of School Trustees;
  - d) heritage designation and preservation.
2. Prepare and make recommendations on the Parks and Leisure Services Department annual budget submission to Council.
3. Execute and administer powers of Council in the distribution of grants to leisure groups from the Richmond Summer Games Legacy Trust fund.

### ROLES AND RESPONSIBILITIES

- To review the mission and goals of the Parks and Leisure Services Department and ensure these are carried out in a manner that best serves the needs of the Richmond community.

TO BE RESCINDED



# City of Richmond

# Policy Manual

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Adopted by Council: Mar. 14/88

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**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**PARKS AND RECREATION COMMITTEE**

- To provide an avenue for public and community organizations to voice concerns which cannot be satisfactorily addressed by staff.
- To provide input into long-range planning and policy setting relating to the delivery of parks and leisure services.



**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**PLANNING & DEVELOPMENT SERVICES  
COMMITTEE**

**COMMITTEE COMPOSITION**

- The Committee is composed of four Councillors.
- The Mayor is a member ex-officio.

**COMMITTEE MANDATE**

- To establish the operating policies and goals of the Planning and Permits & Licences Departments.
- To review and prioritize budget and income of the Planning and Permits & Licences Departments, as well as the Planning Department work program.
- To review and assess the performance of the Planning and Permits & Licences Departments and ensure that the services are provided in the most cost-effective manner and in accordance with Council policies.
- To develop and recommend ways and means of continuing to improve service to the public in consultation with staff.
- To develop and recommend to Council goals and policies for the community's physical and social development and enhancement, as well as matters related to land use.

**ROLES AND RESPONSIBILITIES**

- To serve as a mechanism whereby the public may appeal, discuss, dispute staff decisions or recommendations on matters relating to:
  - Business Licence rejections.
  - Land use/development applications.
- To establish priorities and provide input into long-range Corporate and departmental operations policy.
- To review the operations of the Planning and Permits & Licences Departments, establishing work priorities and setting annual budgets.
- To consider proposed land use policy or development as referred by Staff or Council, and to make appropriate recommendations to Council.

TO BE RESCINDED



**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**PUBLIC WORKS & SERVICES COMMITTEE**

**COMMITTEE COMPOSITION**

- The Committee is composed of four Councillors.
- The Mayor is a member ex-officio.

**COMMITTEE MANDATE**

- To establish operating policies for the Engineering, Public Works and Fire-Rescue Departments.
- To develop and recommend to Council goals for provision of public works, engineering and fire protection services.
- To make recommendations to Council on matters related to public works, engineering and fire protection services.
- To review and prioritize budgets for the Engineering, Public Works and Fire-Rescue Departments.
- To review and assess the performance of the Departments and to ensure that the services provided are done so in a cost-efficient manner and in accordance with the policies of Council.

**ROLES AND RESPONSIBILITIES**

- To serve as a vehicle whereby the public can bring to the attention of the elected officials matters which cannot be satisfactorily resolved by staff.
- To review the construction, operating and maintenance programs of the Engineering Department and the operation of the Fire-Rescue Department, establishing priorities and setting priorities for spending.
- To provide input into long-range planning of City services.
- To consider technical matters on its own initiative and as referred to it by Council, and to make recommendations to Council on these matters.
- To review and advise Council on appropriate departmental mandates.



TO BE REINDEXED

**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**FINANCE AND ADMINISTRATION COMMITTEE**

**COMMITTEE MANDATE**

1. To review and make recommendations to Council and staff on all "stages" of the Provisional Budget preparation and process.
2. To review and make recommendations to Council, in consultation with the Treasurer, on rates bylaws, policies concerning rates, fees, levies or other charges which are adopted by resolution of Council, or on extraordinary financial expenditure requests which may be submitted by the City Administrator's Office, a Department Head or another Standing Committee.
3. To review and make recommendations to Council on matters relating to the general administration of the City or specific matters relating to the following Departments:  

City Administrator's Office Treasury  
City Clerk's Office  
Law and Land  
Personnel  
Information Services
4. To review, when necessary, with the City Administrator's Office, the broad goals and objectives of the City and make recommendations for change.
5. To assist Council in maintaining clear lines of communication and harmonious relationships with senior levels of government, other municipalities, outside agencies such as the FCM (Federation of Canadian Municipalities) and UBCM (Union of B.C. Municipalities), etc., the Richmond Member of Parliament and the Richmond Members of the Provincial Legislature.

**ROLES AND RESPONSIBILITIES**

1. To review the mission statements and goals of those administrative departments mentioned in section 4 of the Committee Mandate.
2. To assess senior staff performance within the City Administrator's Office.
3. To serve as a forum for informal discussion on issues which cross clearly-defined Departmental or Standing Committee boundaries.



**STANDING COMMITTEES OF COUNCIL:  
TERMS OF REFERENCE**

**FINANCE AND ADMINISTRATION COMMITTEE**

4. To review and make recommendations to Council on structural changes to the organization and the continuing re-evaluation of City objectives.
5. To consider all items referred to it by Council, the City Administrator's Office, the City Treasurer, and the City Clerk.
6. To serve as the appeal body for all Union grievances, as well as hearing submissions of a similar nature for management staff.



**POLICY 1312:**

It is Council policy that:

1. Public hearings are to be conducted in accordance with the provisions of the *Local Government Act*, and in accordance with the Council Procedure Bylaw.
2. The establishment of a Speakers' List is at the discretion of the City Clerk.
3. The Chair will read the following "Opening Statement" which is attached hereto and forms a part of this policy, at the commencement of the Public Hearing proceedings.



### **OPENING STATEMENT TO BE READ BY THE CHAIR AT THE COMMENCEMENT OF THE PUBLIC HEARING PROCEEDINGS**

This Council meeting is being convened in order to hold public hearings on land use matters.

At this hearing the public and anyone who believes that their interest in property is affected by the agenda items may speak or present written submissions to Council on these matters.

Those of you who wish to speak should, after being recognized by the Chair, begin by clearly stating your name and address. If you also have a written submission, please make this known at the beginning of your presentation.

Everyone will be given a reasonable opportunity to be heard at this hearing, and no one should feel discouraged from making their views known. Any person who wishes to present a written submission to Council may do so. The essence of the submission will be read out by the City Clerk. All written submissions will be retained by the City Clerk and will form part of the record of the hearing.

Each speaker may address the hearing a maximum of twice. The length of your first presentation will not be limited, provided your comments are relevant and the hearing is not being obstructed. Any additional presentation, which must be on new information, will be limited to a maximum of ten minutes.

Members of Council may ask questions of you following your presentation. However, the function of Council members during a public hearing is to listen to the views of the public, not to debate the merits of the matters with citizens. Any debate by members of Council will occur at the subsequent vote.

The order of proceedings for each item will be as follows:

1. the City Clerk will briefly describe the matter under consideration;
2. the applicant (or agent) will be invited to make a brief presentation;
3. the City Clerk will identify any written submissions received;
4. oral submissions from the public will be heard, and any further written submissions, if any, will be received;
5. the hearing will be closed and matters may be considered.

Please observe these rules and if you have any concerns with the manner in which the hearing is conducted, direct your comments to the Chair.



**CITY OF RICHMOND**

***COUNCIL PROCEDURES***

**BYLAW NO. 7560**

**EFFECTIVE DATE –**

**CITY OF RICHMOND**  
**COUNCIL PROCEDURE BYLAW NO. 7560**

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# CITY OF RICHMOND

## COUNCIL PROCEDURE BYLAW NO. 7560

The Council of The City of Richmond enacts as follows:

### PART ONE: COUNCIL MEETINGS

#### 1.1 Regular Council Meetings

##### 1.1.1 Regular Council Meetings:

- (a) must be held on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers of the Richmond City Hall except where **council** has determined that a **Regular Council Meeting** is to be held elsewhere;
- (b) must, when such meeting falls on a statutory holiday, be held on the next day following which is not a statutory holiday;
- (c) must be adjourned at 11:00 p.m. on the day scheduled for the meeting, unless a **resolution** to proceed beyond that time is adopted;
- (d) may be cancelled by **council**, provided that two consecutive meetings are not cancelled other than in accordance with subsection 4.2.2; and
- (e) may be postponed by the **Mayor**, after providing at least two business days written notice to the **City Clerk**, to a day, time and place named in such notice.

#### 1.2 Regular Council Meetings for Public Hearings

##### 1.2.1 Regular Council Meetings for Public Hearings:

- (a) must be held on the third Monday of each month at 7:00 p.m. in the Council Chambers of the Richmond City Hall, except where **council** has determined that such meeting is to be held elsewhere;
- (b) must, when such meeting falls on a statutory holiday, be held on the next day following which is not a statutory holiday;
- (c) must be adjourned at 11:00 p.m. on the day scheduled for the meeting, unless a **resolution** to proceed beyond that time is adopted;
- (d) may be adjourned or concluded at any time between 11:00 p.m. on the day scheduled for the meeting and 1:00 a.m. the following day, but after the latter time is reached, the Public Hearing on any item may not conclude, but must be adjourned to a specified date, time, and place; and

- (e) may be cancelled by the **City Clerk**, in consultation with the **Mayor**, where no reports have been submitted for such meeting in accordance with section 3.2.

### 1.3 Regular (Closed) Council Meetings

#### 1.3.1 Regular (Closed) Council Meetings:

- (a) must be held on the second and fourth Monday of each month at 4:00 p.m. in the Anderson Room of the Richmond City Hall, except where the **Mayor**, in consultation with the **City Clerk**, has determined that a **Regular (Closed) Council Meeting** is to be held elsewhere, or at a different time;
- (b) must, when such meeting falls on a statutory holiday, be held on the next day following which is not a statutory holiday;
- (c) may be cancelled by the **Mayor**, in consultation with the **City Clerk**, where no reports have been submitted for such meeting in accordance with section 3.2.

1.3.2 Any items which, in the opinion of **council**, do not comply with the closed meeting criteria specified in the *Local Government Act*, must be deleted from the agenda of the **Regular (Closed) Council Meeting** and be referred:

- (a) to a future **Regular Council Meeting** as an additional item in accordance with clause (a) of subsection 3.4.1; or
- (b) to a **standing committee**, a **select committee**, or to staff.

## PART TWO: ADVANCE NOTICE OF COUNCIL MEETINGS

### 2.1 Duties of the City Clerk

2.1.1 As soon as possible after:

- (a) the first **council** meeting following a General Local Election; and
- (b) the first **Regular Council Meeting** in December of each year which is not an election year,

the **City Clerk** must provide to each **member**, an annual schedule of all **Regular Council Meetings**, all **Regular Council Meetings for Public Hearings**, and all **Regular (Closed) Council Meetings**.

2.1.2 The annual **council** meeting schedule referred to in subsection 2.1.1 must:

- (a) be made available to the public; and

- (b) be posted on a notice board in the Richmond City Hall for public viewing at all times.
- 2.1.3 Where revisions are necessary to the schedule referred to in subsection 2.1.1, the **City Clerk** must, as soon as possible, post a notice on a notice board in the Richmond City Hall to advise the public of:
- (a) any revisions to the date, time, and place of either the **Regular Council Meeting**, the next **Regular Council Meetings for Public Hearings**, or the next **Regular (Closed) Council Meeting**, whichever is applicable; and
  - (b) the cancellation of any **Regular Council Meetings**, **Regular Council Meetings for Public Hearings**, and **Regular (Closed) Council Meetings**.
- 2.1.4 In the case of a **Special Council Meeting**, the **City Clerk** must, so far as time permits, post a notice of such meeting in the Richmond City Hall for public viewing.

## PART THREE: COUNCIL MEETING AGENDAS

### 3.1 Council Meeting Agenda Preparation

#### 3.1.1 Prior to each:

- (a) **Regular Council Meeting;**
- (b) **Regular Council Meeting for Public Hearings;**
- (c) **Regular (Closed) Council Meeting, and**

prior to any **Special Council Meeting**, the **City Clerk** 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 a **resolution** adopted by a majority of the **members** present.

### 3.2 Submission of Reports for Council and Committee Agendas

#### 3.2.1 All reports, including those submitted by a **member**, for the agenda of:

- (a) a **Regular Council Meeting;**
- (b) a **Regular Council Meeting for Public Hearings;**
- (c) a **Regular (Closed) Council Meeting;** or
- (d) a **Standing Committee** or **Select Committee meeting,**

must be provided to the **City Clerk** by 5:00 p.m. on the Wednesday in the week preceding such meeting, except that when a holiday falls on the intervening Friday, such reports must be delivered by 5:00 p.m. on the Tuesday in the week preceding such meeting.

- 3.2.2 Notwithstanding the requirements of subsection 3.2.1, the **City Clerk** has the discretion, where practical, to include on a **council** agenda, a report which is not provided by the time and date specified.
- 3.2.3 All reports for the agenda of a **Special Council Meeting** must be provided to the **City Clerk** as soon as possible prior to such **Special Council Meeting**.

### 3.3 Availability of Council Meeting Agendas

- 3.3.1 The agenda of **council** meetings must be made available to the public as follows:
- (a) **Regular Council Meetings** – on the Friday of the week preceding each such meeting;
  - (b) **Regular Council Meeting for Public Hearings** – on the Friday of the week preceding each such meeting; and
  - (c) **Special Council Meetings** - at the discretion of the **City Clerk**.

### 3.4 Regular Council Meeting Agenda Additions and Deletions

- 3.4.1 **Council** may, at a **Regular Council Meeting**, immediately after the adoption of the minutes of the previous such meeting:
- (a) add additional items to the agenda of that meeting, provided such items have been referred to that meeting by **council** at a preceding **Special Council Meeting** or **Regular (Closed) Council Meeting**; and
  - (b) delete any items from the agenda of that meeting, and may refer such items to staff, to a **standing committee**, to a **select committee**, to a committee of the whole, or to a future **council** meeting,

provided a **resolution** to add the additional item or delete the item, whichever is the case, is adopted.

- 3.4.2 Where a request is made by a **member** or the **City Clerk** to add additional items to the agenda of a **Regular Council Meeting** which have not been referred to that meeting in accordance with subsection 3.4.1, any **member** may call for a Notice of Motion to Defer when such additional items are proposed, and before the question is called on the motion to add such items to the agenda, whereupon the **City Clerk** must place the items in question on the agenda of the next **Regular Council Meeting**.

- 3.4.3 For clarity, a **resolution** is not required at the time a **member** serves a Notice of Motion to Defer under the provisions of subsection 3.4.2.
- 3.4.4 The calling for a Notice of Motion to Defer specified in subsection 3.4.2 does not apply if an item to be added to the agenda is a referral to a **standing committee**, a **select committee**, or to staff.
- 3.4.5 Subject to section 13.3, any items added to the agenda of a **Regular Council Meeting** in accordance with clause (a) of subsection 3.4.1 are delegable, and any items deleted from the agenda of a **Regular Council Meeting** in accordance with clause (b) of subsection 3.4.1, are not delegable.

### 3.5 Special Council Meeting Agenda Additions and Deletions

- 3.5.1 At a **Special Council Meeting** called in accordance with the provisions of the *Local Government Act*, **council** may:
  - (a) only deal with those items included in the notice advising **council** of such meeting; and
  - (b) delete any items from the agenda of that meeting, and may refer such items to staff, to a **standing committee**, to a **select committee**, to a committee of the whole, or to a future **council** meeting, provided a **resolution** to delete the item is adopted.
- 3.5.2 The provisions of clause (a) of subsection 3.5.1 do not apply where **council** has waived the **Special Council Meeting** notice requirements, by unanimous consent of all **members**, as provided for in the *Local Government Act*.

## PART FOUR: OPENING OF COUNCIL MEETING PROCEEDINGS

### 4.1 Duties of the Mayor and Acting Mayor

- 4.1.1 As soon after the time specified for a meeting as there is a quorum present, the **Mayor**, if present, 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.

### 4.2 Duties of the City Clerk

- 4.2.1 Where neither the **Mayor** nor the Acting Mayor are present 15 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.
- 4.2.2 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 FIVE: MINUTES OF COUNCIL AND STANDING COMMITTEES

### 5.1 Open Meeting Minutes

5.1.1 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 Meeting**;
- (b) the last **Regular Council Meeting for Public Hearings**, if any; and
- (c) any **standing committee** meetings and **select committee** meetings,

for their adoption in the case of (a) and (b), and their receipt for information in the case of (c), provided such meetings have been held more than five days prior to such **Regular Council Meeting**.

### 5.2 Closed Meeting Minutes

5.2.1 Not less than 48 hours before each **Regular (Closed) Council Meeting** the **City Clerk** must provide to each **member**, a copy of the minutes of:

- (a) the last **Regular (Closed) Council Meeting**; and
- (b) any closed **standing committee** meetings,

for their adoption in the case of (a) and their receipt for information in the case of (b), provided such meetings have been held more than five days prior to such **Regular (Closed) Council Meeting**.

## PART SIX: RULES OF CONDUCT IN COUNCIL MEETINGS

### 6.1 Member Obligations

6.1.1 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 other **members** as "Councillor"; and
- (b) abide by the ruling of the **Mayor** on **Points of Order** and the interpretation of this bylaw, subject to the right of appeal of such ruling, under the provisions of the *Local Government Act*.

### 6.2 Member Prohibitions

6.2.1 While in a **council** meeting, a **member** must not:

- (a) speak disrespectfully of any person;

- (b) use words which, in the opinion of the **Mayor**, are offensive; or
- (c) disturb or interrupt the **member** who is speaking except to raise a **Point of Order**.

### 6.3 Authority of the Chair Regarding Conduct of Members

- 6.3.1 Where, in the opinion of the **Mayor**, a **member** contravenes the provisions of either subsections 6.1.1 or 6.2.1, 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.
- 6.3.2 If the **member** refuses to leave, the **Mayor** may order the removal of the **member** for the remainder of that meeting, and may then declare a recess. If the offending **member** apologizes, **council** may permit the **member** to resume his or her seat.

## PART SEVEN: RULES OF DEBATE IN COUNCIL MEETINGS

### 7.1 Member Prohibitions

#### 7.1.1 A **member** must not:

- (a) speak other than to the motion on the floor;
- (b) speak to the motion on the floor, after a question has been called by the **Mayor**, other than to request severability in accordance with the provisions of section 9.2;
- (c) move a further motion until after the result of the vote has been declared;
- (d) speak more than once to the same motion, nor exceed a speaking time of five minutes, without the approval of **council**, except:
  - (i) where requested through the **Mayor** to explain any part of the **member's** remarks which may have been misunderstood;
  - (ii) to raise a **Point of Order**, a **Point of Information** or a **Point of Privilege**; or
  - (iii) to close debate, provided such **member** was the mover of the motion under consideration,

and in such cases, that **member** is not permitted to introduce a new item, nor to speak for more than a further five minutes.

- 7.1.2 The ruling of the **Mayor** as to whether the question has been called in accordance with clause (b) of subsection 7.1.1 is final.

## 7.2 Procedure for Mayor to Speak to a Motion

- 7.2.1 **Council** may request the **Mayor** to leave the Chair if the **Mayor** wishes to speak to a motion, other than to give direction on a referral motion.

## 7.3 Points of Order, Points of Information and Points of Privilege

- 7.3.1 A **member** may, through the **Mayor**, raise a **Point of Order** on a motion to which a **member** is speaking, whereupon the **Mayor** must:

- (a) immediately suspend the debate, and
- (b) rule as to whether or not the **Point of Order** is valid.

- 7.3.2 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.

- 7.3.3 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 before debate resumes.

## 7.4 Authority of the Chair Regarding Rules of Debate

- 7.4.1 Where, in the opinion of the **Mayor**, a **member** contravenes the provisions of subsection 7.1.1, the **Mayor** may ask that **member** to immediately comply with the rules of debate of which the **member** is in contravention, and if the **member** refuses to comply, the **Mayor** may order the **member** to leave the Council Chambers.

7.4.2 If the **member** refuses to leave the Council Chambers, the **Mayor** may order the removal of the **member** for the remainder of that meeting, and may then declare a recess. If the offending **member** apologizes, **council** may permit the **member** to resume his or her seat.

7.4.3 Where the **Mayor** is of the opinion that a motion or proceeding is out of order; the **Mayor** must advise the **members** accordingly without calling the question, and must cite the procedural basis for such ruling.

## 7.5 Appeal of a Decision of the Chair

7.5.1 In accordance with the provisions of the *Local Government Act*, a **member** who is dissatisfied with a decision of the **Mayor** has the right to appeal such decision by asking for a vote on whether or not the Chair is to be sustained.

7.5.2 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.

7.5.3 For clarity, the **Mayor** is not required to vacate the Chair where **council** votes not to sustain the Chair.

## PART EIGHT: MOTIONS

### 8.1 Proposing and Withdrawing of Motions

8.1.1 When a proposition has been moved by a **member** and seconded by another **member**, it is then a motion on the floor, 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 the **members** present.

8.1.2 A **member** may request the motion which is on the floor to be read for information at any time during the debate, but may not interrupt a **member** who is speaking.

### 8.2 Order of Precedence of Motions

8.2.1 When a motion is on the floor and before the question has been called, only the following motions are permitted, in the following precedence:

- (a) a motion to refer in accordance with section 8.3;
- (a) a motion to table in accordance with section 8.4;
- (c) a motion to amend in accordance with section 8.5.

8.2.2 The provisions of subsection 8.2.1 regarding motions which are permitted and their order of precedence do not apply where:

- (a) specifically precluded by another provision of this bylaw; or
- (b) alternate provisions are specified in another bylaw which govern the matter before **council**.

8.2.3 After determining that all **members** wishing to speak on a motion have done so the **Mayor** must call the question on the motion.

### 8.3 Referral Motions

8.3.1 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.

8.3.2 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 a sub-amendment, an amendment, or an original motion, as determined by the mover of such motion to refer.

8.3.3 Where a referral motion has been adopted, which refers an original motion which has been amended or sub-amended, the referral applies to the original motion as amended.

8.3.4 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.

### 8.4 Tabling Motions

8.4.1 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 tabled 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.

8.4.2 Where a tabling motion has been proposed in accordance with:

- (a) clause (a) of subsection 8.4.1, such tabling motion is not debatable, and the **Mayor** must immediately call the question on such motion;
- (b) clause (b) of subsection 8.4.1, such tabling motion is debatable, but only as to the merits of tabling.

8.4.3 Once any conditions which were imposed by a tabling motion have been fulfilled, a motion to lift the tabled motion from the table is in order.

8.4.4 Where a motion to lift from the table has been:

- (a) adopted, the original motion is on the floor without the need of a further mover and seconder;
- (b) defeated, the tabled motion remains tabled in accordance with any conditions imposed at the time of tabling.

## 8.5 Amending Motions

8.5.1 A **member**, other than the mover of a motion, may propose an amendment to a motion, and subject to the provisions of section 8.6, that amendment must be disposed of before any subsequent amendments are proposed.

8.5.2 When an amendment to a motion has been moved and seconded, the **Mayor** must, if requested by a **member**, state the original motion and the amendment, and must permit debate only on the amendment.

8.5.3 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.

8.5.4 If an amendment is adopted and no further amendments are proposed, the **Mayor** must then call the question on the original motion, as amended.

## 8.6 Sub-Amendments

8.6.1 A **member** may propose a sub-amendment to an amendment, and the provisions of section 8.5 apply, so far as applicable to sub-amendments.

8.6.2 A **member** may not propose a sub-amendment to a sub-amendment.

8.6.3 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.

## 8.7 Scope of Amendments and Sub-Amendments

8.7.1 The amendments permitted by section 8.5 and the sub-amendments permitted by section 8.6 may take the form of the 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, the amendment, or the sub-amendment, whichever is applicable, to the extent that it is either:

- (a) negated, or
- (b) changed in such a way that either an alternative motion is proposed, or all reference to the original motion, the amendment, or the sub-amendment, whichever is applicable, is eliminated.

## PART NINE: VOTING ON A MOTION

### 9.1 Method of Voting

- 9.1.1 Whenever a vote of **council** is taken, each **member** present must vote on the motion by raising his or her hand, after which the **Mayor** must declare the result and name those **members** voting in the negative, which the **City Clerk** must record in the minutes.
- 9.1.2 A vote must not be taken in any meetings of **council**, a committee of the whole, or any **standing committee** or **select committee**, by ballot or by any other method of secret voting.
- 9.1.3 After **council** has voted on any motion, such motion must not be voted on again at that same meeting.

### 9.2 Severability of Motions

- 9.2.1 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.
- 9.2.2 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.

9.2.3 The provisions of subsection 9.2.1 regarding the severability of a motion for the purposes of voting apply whether or not such motion has been the subject of amendments or sub-amendments.

9.2.4 A **member** voting either in favour or against a motion is deemed to have voted in favour or opposed to the entire motion where a request has not been made by such **member** to call the question separately on any parts, sections or clauses.

### 9.3 Requirement for a Unanimous Vote

9.3.1 Where a unanimous vote of **council**:

- (a) is required under the provisions of the *Local Government Act*, or this bylaw, or
- (b) is requested by a **member**, through the **Mayor**, to be so recorded in the minutes,

such unanimous vote requires all **members** to be present at the vote and to vote on the prevailing side.

## PART TEN: RESCINDING A RESOLUTION

### 10.1 Serving a Notice of Motion to Rescind

10.1.1 A **resolution** adopted at either a **Regular Council Meeting**, a **Regular Council Meeting for Public Hearings**, or a **Special Council Meeting** from which the public has not been excluded, may be rescinded at the next **Regular Council Meeting** or at a **Special Council Meeting** called for that purpose, provided:

- (a) **council** has given due consideration to any actions taken by an officer, employee, or agent of the **City** on the basis of such **resolution**; and
- (b) a Notice of Motion to Rescind such **resolution** has been served:
  - (i) either at the meeting at which the **resolution** was adopted, or
  - (ii) in writing to the **City Clerk** in accordance with the requirement for reports specified in section 3.2,

by a **member** who voted with the prevailing side on such motion.

10.1.2 A Notice of Motion to Rescind which does not comply with the requirements of clause (b) of subsection 10.1.1, may be served under "New Business" at the first **Regular Council Meeting** after the meeting at which the **resolution** to be considered for rescission was adopted.

10.1.3 Where a Notice of Motion to Rescind has been served in accordance with subsection 10.1.2, the **resolution** in question must be considered for rescission at the next **Regular Council Meeting** or at a **Special Council Meeting** called for that purpose.

## 10.2 Obligations of Server of Notice of Motion to Rescind

10.2.1 At the meeting at which the rescission is to be considered, the **member** who served the Notice of Motion to Rescind must move the motion to rescind and upon such motion being seconded, the **member** must provide reasons for serving such Notice of Motion to Rescind.

10.2.2 Where the **member** who served the Notice of Motion to Rescind:

- (a) is not present, or
  - (b) does not move the motion to rescind, or
  - (c) declines to provide reasons as specified in subsection 10.2.1,
- the Notice of Motion to Rescind is deemed to have been withdrawn.

## 10.3 Restrictions on Motions to Rescind

10.3.1 The motion to rescind a **resolution** in accordance with this Part:

- (a) is debatable;
- (b) may only be referred or tabled, but not amended;
- (c) is not delegable; and
- (d) can be withdrawn:
  - (i) by the server prior to being seconded; or
  - (ii) upon being seconded, only with the consent of all the **members** present.

10.3.2 **Council** must not:

- (a) subject to the statutory powers of the **Mayor** specified in the *Local Government Act*, consider a motion to rescind a **resolution** under this Part more than once, or
- (b) introduce the same motion to rescind for a period of six months, except by a unanimous vote of **council**.

#### 10.4 Application to Closed Meetings

- 10.4.1 The provisions of this Part also apply to a Notice of Motion to Rescind served in connection with a **resolution** adopted at a **Regular (Closed) Council Meeting** or at a **Special Council Meeting** from which the public has been excluded.

### PART ELEVEN: RECONSIDERING A DEFEATED MOTION

#### 11.1 Serving a Notice of Motion to Reconsider

- 11.1.1 A motion which has been defeated at either a **Regular Council Meeting**, a **Regular Council Meeting for Public Hearings**, or a **Special Council Meeting** from which the public has not been excluded, may be reconsidered at the next **Regular Council Meeting** or at a **Special Council Meeting** called for that purpose, provided a Notice of Motion to Reconsider has been served by a **member** who voted with the prevailing side on such motion:

- (a) either at the meeting at which the motion was defeated; or
- (b) in writing to the **City Clerk** in accordance with the requirement for reports specified in section 3.2.

- 11.1.2 A Notice of Motion to Reconsider which does not comply with the requirements of clauses (a) or (b) of subsection 11.1.1 may be served under "New Business" at the first **Regular Council Meeting** after the meeting at which such motion was defeated.

- 11.1.3 Where a Notice of Motion to Reconsider has been served in accordance with subsection 11.1.2, the motion in question must be presented for reconsideration at the next **Regular Council Meeting** or at a **Special Council Meeting** called for that purpose.

#### 11.2 Obligations of Server of Notice of Motion to Reconsider

- 11.2.1 At the meeting at which the defeated motion is to be reconsidered, the **member** who served the Notice of Motion to Reconsider must move a motion to reconsider the defeated motion, and upon such motion being seconded, the **member** must provide reasons for serving such Notice of Motion to Reconsider.

- 11.2.2 Where the **member** who served the Notice of Motion to Reconsider:

- (a) is not present, or
- (b) does not move the motion to reconsider, or
- (c) declines to provide reasons as specified in subsection 11.2.1,

the Notice of Motion to Reconsider the defeated motion is deemed to have been withdrawn.

### 11.3 Restrictions on Motions to Reconsider

11.3.1 A motion for **council** to reconsider a defeated motion in accordance with this Part:

- (a) is debatable, but only as to the merits of reconsideration;
- (b) may not be referred or amended;
- (c) may only be tabled under the provisions of clause (a) of subsection 8.4.1
- (d) is not delegable; and
- (e) can be withdrawn:
  - (i) by the server prior to being seconded; or
  - (ii) upon being seconded, only with the consent of all the **members** present.

11.3.2 Where a **resolution** to reconsider a defeated motion has been adopted, the original motion is deemed to be on the floor without the need for a further mover and seconder, and **council** must dispose of such original motion, which:

- (a) is debatable;
- (b) may be referred, tabled, or amended;
- (c) is not delegable; and
- (d) may only be withdrawn with the consent of all **members** present.

11.3.3 **Council** must not:

- (a) subject to the statutory powers of the **Mayor** specified in the *Local Government Act*, reconsider any defeated motion under this Part more than once; or
- (b) introduce the same defeated motion for a period of six months, except by unanimous vote of **council**.

### 11.4 Application to Closed Meetings

11.4.1 The provisions of this Part also apply to a Notice of Motion to Reconsider served in connection with a **resolution** adopted at a **Regular (Closed) Council Meeting**, or at a **Special Council Meeting** from which the public has been excluded.

## PART TWELVE: NEW BUSINESS

- 12.1 The items to be considered under New Business include, but are not limited to the following:
- (a) the serving of Notices of Motion in accordance with Parts 10 and 11, and
  - (b) the referral of an item to a **standing committee**, a **select committee** or to staff.

## PART THIRTEEN: DELEGATIONS TO COUNCIL

### 13.1 Delegations on Agenda Items

- 13.1.1 A person or organization wishing to address **council** as a delegation on an item which is on the agenda of a **Regular Council Meeting**, may be heard at that meeting, by **council** sitting as committee of the whole, under "Public Delegations on Agenda Items".

### 13.2 Delegations on Non-Agenda Items

- 13.2.1 A person or organization wishing to address **council** as a delegation on an item which is not on the agenda of a **Regular Council Meeting** may be heard at that meeting by **council** sitting as committee of the whole under "Public Delegations on Non-Agenda Items", provided a written request which includes a summary of the item which is the subject of the delegation and of the specific action which is being sought by the delegation is submitted to the **City Clerk** in accordance with the requirements for reports specified in section 3.2.

### 13.3 Non-Delegable Items

- 13.3.1 Notwithstanding the provisions of sections 13.1 and 13.2, delegations must not be heard at **Regular Council Meetings**, **Regular (Closed) Council Meetings**, or **Special Council Meetings** on the following:
- (a) Official Community Plan Bylaws or Zoning & Development Bylaws, including amendments to either such bylaws, which have received first reading and which have not yet been adopted, defeated, or abandoned;
  - (b)
    - (i) Development Permit or Development Variance Permit applications, other than at a Public Hearing to which such permit applications have been referred by **council**; and
    - (ii) General Compliance rulings on Development Permits,
 as specified in the Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw;
  - (c) matters on which the **City** has commenced prosecution and on which judgement has not been rendered;

- (d) Business Licence Hearings conducted in accordance with Part 20 of the *Local Government Act*;
- (e) the promotion of commercial products or services which in the opinion of the **Mayor** have no connection to the business of the **City**; or
- (f) publicly tendered contracts or proposal calls for the provision of goods or services for the **City**, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by **Council** or **City** staff.

13.3.2 The provisions of clause (a) of subsection 13.3.1 do not apply where a second or subsequent Public Hearing is to be held on an Official Community Plan Bylaw or Zoning & Development Bylaw, or amendments to such bylaws, whichever is the case.

#### 13.4 Declined Delegations

13.4.1 Notwithstanding the provisions of sections 13.1 and 13.2, **council** may decline to hear a delegation at a **Regular Council Meeting** where:

- (a) a **Special Council Meeting** has been called to deal with the matter which is the subject of the delegation request;
- (b) an alternate public forum for the matter which is the subject of the delegation request has been established by **council** or by provincial statute to address the matter and such matter will be presented to **council** at a future date as a delegable item; or
- (c) the delegation is on the same matter and comprises the same person or persons as a delegation heard by **council** at the immediately preceding **Regular Council Meeting**.

#### 13.5 Delegations at Regular (Closed) Council Meetings

13.5.1 Delegations at a **Regular (Closed) Council Meeting**, or a **Special Council Meeting** from which the public has been excluded are only permitted where **council** authorizes such delegation to appear and are only permitted to address **council** on an item which:

- (a) complies with the closed meeting criteria specified in the *Local Government Act*; and
- (b) is not specifically excluded in clauses (a) to (f) inclusive of subsection 13.3.1.

#### 13.6 Delegations at Special Council Meetings

13.6.1 Delegations on items referred to a **Special Council Meeting** from which the public has not been excluded must comply, so far as applicable, with the provisions of this Part.

### 13.7 Role of Member regarding Delegations

13.7.1 A **member** must not, when hearing a delegation in committee of the whole, enter into debate on the item which is the subject of the delegation, but may ask questions to obtain clarification or additional information and may move a referral motion in accordance with the provisions of section 8.3.

### 13.8 General Rules for Delegations

13.8.1 A delegation to **council** on any one or more items must not exceed a total speaking time of five minutes, excluding the time taken for questions posed by **members**, unless **council** authorizes additional speaking time.

13.8.2 The provisions of subsection 13.8.1 do not apply to delegations at a **Regular Council Meeting for Public Hearings**.

13.8.3 A delegation intending to use audio and audio-visual equipment or both, for the purposes of making a submission to **council**, must advise the **City Clerk** prior to the **council** meeting of the intent to use such equipment, on the understanding that the **City** will assist with, but not be responsible for, the provision of the necessary equipment.

13.8.4 A delegation to **council** must not speak disrespectfully of any person, and where, in the opinion of the **Mayor**, a delegation has done so, the **Mayor** may ask the delegation to withdraw the offensive remarks.

13.8.5 If the delegation refuses to withdraw remarks considered by the **Mayor** to be offensive, or refuses to abide by the rules for delegations, or the instructions of the **Mayor**, the **Mayor** may terminate the presentation and direct the delegation to vacate the speaker's podium and return to the public seating area.

13.8.6 Where a delegation refuses to comply with such direction, the **Mayor** may order the expulsion and exclusion of the delegation from the meeting, as permitted in the *Local Government Act*.

13.8.7 If the offending delegation apologizes, **council** may permit the delegation to either continue their presentation or to remain in the public seating area whichever **council** considers appropriate in the circumstances.

## PART FOURTEEN: DELEGATIONS TO STANDING AND SELECT COMMITTEES

### 14.1 Delegations on Agenda Items

14.1.1 A person or organization wishing to address a **standing committee** or a **select committee** as a delegation on an item which is on the agenda of a committee meeting may be heard at that meeting, either at the beginning of such meeting or when the item is dealt with by the committee, whichever the Chair decides.

## 14.2 Delegations on Non-Agenda Items

- 14.2.1 A person or organization wishing to address a **standing committee** or a **select committee** as a delegation on an item which is not on the agenda of that committee meeting must advise the committee chair of their request by 5:00 p.m. on the Wednesday of the week preceding the committee meeting at which they wish to appear.
- 14.2.2 Upon being advised of a delegation request in accordance with subsection 14.2.1, the chair of the **standing committee** or **select committee** in question may authorize the delegation to appear at the meeting requested or may refer the delegation to a subsequent meeting of the committee where the circumstances so warrant.
- 14.2.3 Notwithstanding the requirements of subsection 14.2.1, the committee chair may, where the circumstances so warrant and in consultation with the **City Clerk**, grant a delegation request which does not meet the deadline specified.

## 14.3 Non-Delegable Items

- 14.3.1 Notwithstanding the provisions of sections 14.1 and 14.2, delegations must not be heard at **standing committee** or **select committee** meetings on the following:
- (a) Official Community Plan Bylaws, or Zoning & Development Bylaws, including amendments to such bylaws, which have received first reading and which have not yet been adopted, defeated, or abandoned;
  - (b)
    - (i) Development Permit or Development Variance Permit applications; and
    - (ii) General Compliance rulings on Development Permits,as specified in the Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw;
  - (c) Matters on which the **City** has commenced prosecution, and on which judgement has not been rendered;
  - (d) Business Licence Hearings conducted in accordance with Part 20 of the *Local Government Act*
  - (e) the promotion of commercial products or services which in the opinion of the Chair have no connection to the business of the **City**; or
  - (f) publicly tendered contracts or proposal calls for the provision of goods or services for the **City**, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by **Council** or **City** staff.

14.3.2 The provisions of clause (a) of subsection 14.3.1 do not apply where a second or subsequent Public Hearing is to be held on an Official Community Plan Bylaw or Zoning & Development Bylaw, or amendments to such bylaws, whichever is the case.

#### 14.4 Declined Delegations

14.4.1 Notwithstanding the provisions of sections 14.1 and 14.2, a **standing committee** or a **select committee** may, by resolution, decline to hear a delegation where:

- (a) a **Special Council Meeting** has been called to deal with the matter which was the subject of the delegation request;
- (b) an alternate public forum for the matter which was the subject of the delegation request has been established by **council**; or by provincial statute, to address the matter, and such matter will be presented to **council** at a future date as a delegable item; or
- (c) a **standing committee** or a **select committee**, whichever is the case, determines that it would be more appropriate for such delegation to be heard by **council**.

#### 14.5 General Delegation Rules for Standing Committees

14.5.1 A delegation to a **standing committee** or a **select committee** must not speak disrespectfully of any person, and where, in the opinion of the Chair, a delegation has done so the chair may ask the delegation to withdraw the offending remarks.

14.5.2 If the delegation refuses to withdraw remarks considered by the Chair to be offensive, or refuses to abide by the ruling of the Chair, the Chair may deem the presentation concluded and direct the delegation to return to the public seating area.

14.5.3 If the offending delegation apologizes, Committee may permit the delegation to continue their presentation or to remain in the public seating area, whichever commit considers appropriate in the circumstances.

### PART FIFTEEN: BYLAWS AND BYLAW READINGS

#### 15.1 Bylaw Procedures

15.1.1 Every proposed bylaw:

- (a) must be in written form when it is considered by **council** and a copy must be provided to each **member**;

- (b) on which a Public Hearing is required must, upon being given first reading, be submitted to the next **Regular Council meeting for Public Hearings** for which all statutory notification and advertising requirements can be satisfied, unless **council** directs otherwise; and
- (c) may be introduced and given first, second and third readings in one motion, unless a **member** requests such readings be considered separately.

15.1.2 The provisions of clause (c) of subsection 15.1.1 do not apply to a bylaw on which a Public Hearing is required.

15.1.3 Any number of bylaws may be combined for the purposes of:

- (a) introduction or readings, or both; or
- (b) adoption,

in one motion.

15.1.4 Any or all of the readings of a bylaw are deemed to have been given, and a bylaw is deemed to have been adopted when a motion is adopted in which the citation of the bylaw is read for such purposes.

## 15.2 Bylaw Amendments

15.2.1 A **member** may only propose an amendment to a bylaw when such bylaw is on the floor for either first, second or third readings, but may not do so, subject to subsection 15.2.2, when such bylaw is on the floor for adoption.

15.2.2 In order to proceed with an amendment to a bylaw which has received first, second and third readings but which has not yet been adopted, the rescission of the third reading of such bylaw is required.

15.2.3 An amendment to a motion, the purpose of which is to give one or more readings to a bylaw:

- (a) is governed by the provisions of section 8.8; and
- (b) is limited the content of the bylaw.

## PART SIXTEEN: COMMITTEE OF THE WHOLE

### 16.1 Quorum and Chair

16.1.1 The **Mayor** must preside in a meeting of a committee of the whole unless another **member** is appointed to chair the meeting.

16.1.2 A quorum of a committee of the whole is five **members**.

## 16.2 General Provisions

16.2.1 During any **Regular Council Meeting, Regular (closed) Council Meeting, or Special Council Meeting**, council may resolve into a committee of the whole to consider items in more detail.

16.2.2 Where **council** has resolved into a committee of the whole in accordance with subsection 16.2.1, the item which was considered by the committee of the whole must be considered immediately on resumption of the **council** meeting.

## 16.3 Advance Notice of Committee of the Whole Meetings

16.3.1 The **City Clerk** must, upon being advised of any annual committee of the whole meeting schedule by the **Mayor**:

- (a) provide such schedule to each **member**;
- (b) make such schedule generally available to the public; and
- (c) post and maintain such schedule in a conspicuous place in the Richmond City Hall for public viewing.

## 16.4 Procedural Variances with Council Meetings

16.4.1 The rules of **council** procedure must be observed in a meeting of a committee of the whole so far as applicable, except that:

- (a) a motion that the Chair vacate the Chair is always in order, and takes precedence over any other motion;
- (b) the number of times a **member** may speak on any motion is not limited; however, no **member** is permitted to speak for longer than a total time of ten minutes on any motion;
- (c) the Chair must be addressed as "Mr. Chair" or as "Madam Chair", as the case may be, and the Chair may move or second a motion, and may speak to such motion without vacating the Chair to do so;
- (d) when an item which was considered by a committee of the whole has been concluded, the committee of the whole must not consider a motion to adjourn or conclude, but instead must consider a motion to either:
  - (i) rise and report to the next meeting of **council**, or
  - (ii) rise and report.

## 16.5 Ratification by Council

16.5.1 All **resolutions** adopted by a committee of the whole must be presented to **council** for ratification, except for the following:

- (a) **resolutions** which are procedural in nature;

- (b) **resolutions** resulting from a delegation, which were referred to a **standing committee**, a **select committee**, or to staff;
- (c) **resolutions** which are amendments or sub-amendments to a main motion which is itself being presented to **council** in an amended form;  
or
- (d) **resolutions** referring items to staff.

16.5.2 Motions which are defeated by a committee of the whole need not be presented to **council** where **resolutions** on that item are being presented to **council** in accordance with subsection 16.5.1.

16.5.3 Where no such **resolutions** under subsection 16.5.2 have been adopted, the **City Clerk** must ensure that the item which was the subject of the defeated motion is:

- (a) listed on the agenda of the **council** meeting at which such item is to be considered; or
- (b) brought forward for consideration by **council** in the case of the defeat of a **motion** which resulted from a delegation to **council** sitting as committee of the whole,

with a notation that the item is presented to **council** without a recommendation from committee of the whole.

## **PART SEVENTEEN: STANDING COMMITTEES OF COUNCIL**

### **17.1 Duties of the Mayor**

17.1.1 Upon the establishment of any **standing committees** by the **Mayor**, the **Mayor** may appoint chairs and vice chairs of those **standing committees**.

### **17.2 Quorum and Membership**

17.2.1 A quorum of a **standing committee** is three **members** regardless of the total number of **members** of which such committee is comprised, one of whom may be the **Mayor**.

17.2.2 Where a quorum is not present fifteen minutes after the time established for a **standing committee** meeting, such meeting is deemed to have been cancelled.

17.2.3 The **Mayor** is an ex-officio and voting **member** of all **standing committees**, and in the absence of the **Mayor**, the Acting Mayor has the same ex-officio voting privilege at **standing committee** meetings, except where the **member** is already a **member** of that committee.

17.2.4 **Members** may attend the meetings of a **standing 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.

### 17.3 **Mandate of Standing Committees**

17.3.1 In addition to addressing those matters which the **Mayor** considers should be regulated and managed by a **standing committee**, the mandate of each **standing 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 it's mandate and to recommend such action by **council** as may be deemed necessary and expedient; and
- (b) to consider and report upon all items referred to such committee by **council**; and
- (c) to carry out any duties delegated by bylaw.

17.3.2 Any item referred to a **standing committee** must not be determined by **council** until the committee has reported on it, unless the committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by **council** to be reasonable.

### 17.4 **Duties of Standing Committee Chairs**

17.4.1 The chair of each **standing committee** must, in consultation with the other **members** of that **standing committee** and the **City Clerk**:

- (a) establish an annual meeting schedule for the **standing committee** of which they are Chair; and
- (b) may call additional meetings, or cancel a meeting, where circumstances so require.

### 17.5 **Advance Notice of Standing Committee Meetings**

17.5.1 The **City Clerk** must, upon being advised of the annual **standing committee** meeting schedule, by each **standing committee** chair:

- (a) provide such schedules to each **member** of each **standing committee**;
- (b) make such schedules available to the public; and
- (c) post such schedules on a notice board in the Richmond City Hall for public viewing.

17.5.2 Where revisions are necessary to the schedule referred to in subsection 17.5.1, the **City Clerk** must, as soon as possible, post a notice on a notice board in the Richmond City Hall to advise the public of:

- (a) any revisions to the date, time, and place of **standing committee** meetings;
- (b) any **standing committee** meetings which have been cancelled by the chair in accordance with clause (b) of subsection 17.4.1; and
- (c) any additional **standing committee** meetings which have been called by the chair in accordance with clause (b) of subsection 17.4.1.

#### **17.6 Procedural Variances with Council Meetings**

17.6.1 The rules of **council** procedure must be observed during **standing committee** meetings, so far as possible, except that:

- (a) the number of speeches by a **member** on any motion is not limited, but no **member** can speak for a longer total time than 10 minutes on any motion; and
- (b) the Chair must be addressed as "Mr. Chair" or as "Madam Chair", as the case may be.

#### **17.7 Presentation of Standing Committee Resolutions to Council**

17.7.1 The provisions of section 16.5 regarding the presentation of Committee of the Whole recommendations to **council** apply to the presentation of **standing committee** recommendations to council.

### **PART EIGHTEEN: SELECT COMMITTEES OF COUNCIL**

#### **18.1 General Provisions**

18.1.1 Upon the establishment of any **select committee** by **council**, **council** may appoint the members, including a chair and a vice chair of those **select committees**.

18.1.2 The provisions of sections 17.2 to 17.7 inclusive of Part Seventeen regarding **standing committees** apply, so far as applicable, to **select committees**.

### **PART NINETEEN: PUBLIC ANNOUNCEMENTS AND EVENTS**

19.1 A **member** wishing to advise **council** of a significant community event which has recently taken place, or which is imminent, in which the **member** was involved or of which the public should be aware, may do so at a **council** meeting under "Public Announcements and Events".

- 19.2** An announcement or event raised by a **member** under section 19.1 must not be the subject of any motions or debate and the **Mayor** must determine whether or not the item should be addressed formally by **council** under “New Business” in accordance with Part 13.
- 19.3** A **member** advising **council** of one or more announcements or events in accordance with section 19.1 must not exceed the total speaking time permitted for debate under clause (d) of subsection 7.1.1.

## **PART TWENTY: MISCELLANEOUS PROVISIONS**

- 20.1** Any procedural matters not provided for in this bylaw must be decided in accordance with the rules of Parliamentary procedure of the Canadian House of Commons, provided there is no inconsistency with the *Local Government Act*.
- 20.2** If any section, subsection, or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 20.3** Any provision of this bylaw may be waived by a two-thirds majority of the **members of council** except:
- (a) those governed by the *Local Government Act*, and
  - (b) a resolution to vary the order of business as specified in subsection 3.1.1.

## **PART TWENTY-ONE: INTERPRETATION**

- 21.1** In this bylaw, unless the context otherwise requires:

<b>CITY</b>	means the City of Richmond.
<b>CITY CLERK</b>	means the Local Government Officer assigned responsibility for corporate administration under Section 198 of the <i>Local Government Act</i> .
<b>COUNCIL</b>	means the Council of the <b>City</b> of Richmond.
<b>MAYOR</b>	means the Mayor of the <b>City</b> , or in his absence, the Acting Mayor, or in the absence of both, the <b>member</b> appointed to chair the <b>council</b> meeting.
<b>MEMBER</b>	means an elected member of the <b>council</b> , and for the purposes of Parts Seventeen and Eighteen only, includes other persons appointed to a <b>standing committee</b> or a <b>select committee</b> .

<b>POINT OF INFORMATION</b>	means a claim by a <b>member</b> that factually incorrect information which is germane to the issue on the floor has been provided to <b>council</b> or committee, whichever is applicable, by another <b>member</b> .
<b>POINT OF ORDER</b>	means a claim by a <b>member</b> that a breach of the rules of procedure established by this bylaw or the <i>Local Government Act</i> has taken place.
<b>POINT OF PRIVILEGE</b>	means a claim by a <b>member</b> that either derogatory or offensive remarks have been made against <b>council</b> as a whole or against a <b>member</b> personally by another <b>member</b> .
<b>REGULAR COUNCIL MEETING</b>	means a meeting of <b>council</b> authorized by Section 222.1 of the <i>Local Government Act</i> and governed by section 1.1 of this bylaw.
<b>REGULAR COUNCIL MEETING FOR PUBLIC HEARINGS</b>	means a meeting of <b>council</b> governed by section 1.2 of this bylaw for the purpose of holding Public Hearings on Official Community Plan bylaws, Zoning and Development bylaws and other land use applications.
<b>REGULAR (Closed) COUNCIL MEETING</b>	means a meeting of <b>council</b> authorized by Section 242.2 of the <i>Local Government Act</i> and governed under section 1.3 of this bylaw, from which the public has been excluded.
<b>RESOLUTION</b>	means a <b>motion</b> which has been adopted in the affirmative by the majority of the <b>members</b> necessary.
<b>SELECT COMMITTEE</b>	means a committee appointed by <b>council</b> in accordance with the provisions of Section 238 of the <i>Local Government Act</i> .
<b>SPECIAL COUNCIL MEETING</b>	means a meeting of <b>council</b> authorized by Section 222.1 of the <i>Local Government Act</i> , and includes both an open meeting and a meeting from which the public has been excluded.
<b>STANDING COMMITTEE</b>	means a committee established by the <b>Mayor</b> in accordance with the provisions of Section 239 of the <i>Local Government Act</i> .

**PART TWENTY-TWO: PREVIOUS BYLAW REPEAL**

22.1 Council Procedure Bylaw No. 7070, adopted on January 24<sup>th</sup>, 2000 is repealed.

**PART TWENTY-THREE: CITATION**

23.1 This bylaw is cited as "**Council Procedure Bylaw No. 7560**".

FIRST READING

\_\_\_\_\_

SECOND READING

\_\_\_\_\_

THIRD READING

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ADOPTED

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK