

CITY OF SURREY

BY LAW NO. 13600

**As amended by By-law No. 13950,
02/21/00; 14962, 03/24/03**

A by law to regulate the conduct of the meetings of the Council and its committees, pursuant to s.323 of the Municipal Act
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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

PART 1 - PREAMBLE

WHEREAS, the Province of British Columbia Municipal Act, RSBC 1996, Chapter 323, hereinafter referred to as the "Municipal Act" , provides for the regulation of the meetings of the City Council and the conduct thereof by By-law;

AND WHEREAS it is deemed expedient that rules be made for the better regulation and conduct of such meetings, and that such rules be supplemental to and interpreted in accordance with the statutory provisions of the Municipal Act;

NOW, THEREFORE, the Council of the City of Surrey in open meeting assembled, ENACTS AS FOLLOWS:

- 1.1 This By-law may be cited as "Council Procedure By-law, 1999, No. 13600".
- 1.2 The provisions of this By-law shall be superseded by the statutory provisions of the Municipal Act, and shall be observed at all meetings of the City Council and - wherever practical - at meetings of all committees thereof.

PART 2 - DEFINITIONS

- 2.1 In this By-law, unless the context requires otherwise:
 - (a) "Mayor" or "Presiding Officer" means the Mayor, and includes, a Councillor acting as Mayor, or a Councillor presiding over a meeting of the Council or any Committee thereof;
 - (b) "Member" or "Council Member" means a voting member of the Council, including the Mayor or any Councillor;
 - (c) "Reading of a By-law" means the reading of only the title of the By-law in a Council meeting.
 - (d) "posting location" means the Council bulletin board in the main floor lobby of City Hall.
- 2.2 The definitions and provisions in the Municipal Act shall apply to this By-law and shall supersede any provisions in this By-law which conflict with the Municipal Act. Provisions in this By-law which are identical to those in the Municipal Act may not be altered or suspended. If an amendment to the Municipal Act creates a conflict with a provision in this By-law, such as amendment shall come into effect immediately, and this By-law shall be deemed to have been altered accordingly, and Council shall be immediately notified of such an occurrence.

PART 3 - GENERAL PROVISIONS

- 3.1 All decisions and acts of the Council shall require a majority vote of the Council Members present at a duly convened Council meeting with a quorum present, except in cases where the Municipal Act requires more than a simply majority of those present. In accordance with the Municipal Act, abstentions shall be counted as votes in the affirmative.
- 3.2 In all unprovided cases, the meetings of the Council and its Committees shall be governed by its parliamentary authority,

namely the current edition of Robert's Rules of Order Newly Revised, to the extent that this manual is applicable to the Council, and then only in cases where it is not inconsistent with the Municipal Act and this Procedure By-law. In cases where the applicability of the parliamentary authority is disputed, Council shall determine the applicability.

- 3.3 A quorum for the meetings of the Council and its Committees shall be a majority of the voting members, with the Presiding Officer being counted in calculating the quorum and in determining whether a quorum is present.

PART 4 - COUNCIL SCHEDULE

- 4.1 Council's schedule shall include Council meetings, Council-in-Committee meetings, Special Open meetings, Special Closed meetings and Public Hearings, and shall be as stated in Sections 4.2 to 4.4, with the following exceptions:

- (a) Council may resolve to add meetings or delete them from its schedule, as needed.
- (b) No meeting shall be held on a statutory holiday.
- (c) No meeting shall be held during the month of August.
- (d) On the first Tuesday in September following Labour Day, a Regular Council meeting shall be held.

Council Meetings

- 4.2 There shall be five types of Council Meetings: Regular Council, Regular Council Land Use, Regular Council Public Hearing, Closed, and Special meetings.

- (a) Regular Council meetings shall be held on every Monday and shall be for the purpose of conducting the regular business of the Council. Business which was originally scheduled for a Regular Council meeting and is left unfinished or is to be reconsidered shall be scheduled for another Regular Council meeting.
- (b) Regular Council Land Use meetings shall be held on every other Monday afternoon and shall be for the purpose of considering land use applications and By-laws. Business which was originally scheduled for a Regular Council Land Use meeting and is left unfinished or is to be reconsidered shall be scheduled for another Regular Council Land Use meeting.
- (c) Regular Council Public Hearing meetings shall be held every third Monday and shall be for the purpose of hearing from the public with respect to proposed rezoning By-laws, amendments to the Official Community Plan, liquor license applications and for consideration of third reading and, if in order, final adoption of By-laws. Other items which are considered urgent may also be dealt with at a Regular Council Public Hearing.
- (d) Closed meetings may only be called if they meet the requirements of the Municipal Act, namely:
 - (i) A part of a Council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:
 - personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Municipality or another position appointed by the Municipality;
 - personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the Municipality on condition of anonymity;
 - labour relations or employee negotiations;
 - the security of property of the Municipality;
 - the acquisition, disposition or expropriation of land or improvements, if the Council considered that disclosure might reasonably be expected to harm the interests of the Municipality;
 - law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or by-law;
 - consideration of whether the two previous bullets apply in relation to a matter
 - litigation or potential litigation affecting the Municipality;
 - the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - information that is prohibited from disclosure under Section 21 of the Freedom of Information and Protection of Privacy Act;
 - a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - a matter prescribed by regulation by the Lieutenant Governor in Council.
 - (ii) A part of a Council meeting must be closed to the public if the subject matter relates to one or more of the following:
 - a request under the Freedom of Information and Protection of Privacy Act if the Council is designated as head of the local public body for the purposes of that Act in relation to the matter;

- a matter that, under another enactment, is such that the public must be excluded from the meeting.

- (iii) If the only subject matter being considered at a Council meeting is one or more matters referred to in sub-section (i) or (ii), the applicable sub-section applies to the entire meeting.
 - (iv) Before a meeting or part of a meeting is closed to the public, the Council must state, by resolution, the fact that the meeting is to be closed, and the basis under Section 242.2 on which the meeting is to be closed.
 - (v) A Council must not vote on the reading or adoption of a by-law when its meeting is closed to the public.
- (e) Special Council meetings are Council meetings other than statutory, regular or adjourned meetings.

- (i) A Special meeting may be called in compliance with applicable enactments or by a resolution of Council fixing the time, date, place and agenda.
- (ii) The Clerk must prepare the public notice and an agenda for each Special meeting which must state the nature of each item of business to be dealt with at the Special meeting.
- (iii) The Clerk must deliver the notice and agenda to each member's address and cause them to be posted in the posting location at least 24 hours before the time of the meeting.
- (iv) Notice of a Special Council meeting may be waived by unanimous vote of all Council members.
- (v) If the agenda contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under Section 242.2 of the Municipal Act on which the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.
- (vi) The notice of Special meeting must be signed by the Mayor or the Clerk.
- (vii) Two or more Council members may, in writing, request the Mayor to call a Special Council meeting.

(viii) Two or more Council members may call a Special Council meeting if within 24 hours after receiving a request under (vii), the Mayor refuses or neglects to arrange for the Special Council meeting to be held within 7 days after receiving the request, or the Mayor is absent.

- (ix) If a Special Council meeting is called under (viii), the Council members calling the meeting must sign the notice.

4.3 Deleted by B/L 13950

Council-in-Committee meetings

4.4 Council-in-Committee meetings shall be held every other Monday afternoon and shall be for the purpose of hearing public delegations and considering corporate reports and information items, and for making recommendations to Council to be considered at the following Regular Council meeting, or as otherwise directed.

PART 5 - NOTICES AND AGENDAS

Notices

- 5.1 The notice of a meeting shall be forwarded to each Council Member and shall include the agenda items which are scheduled to come before Council at the meeting.
- 5.2 The Clerk must give public notice of a regular meeting by posting notice at the posting location on the Friday before the date of the regular meeting.
- 5.3 The Clerk must give public notice of a cancelled, rescheduled or called meeting or of the change of time or location by posting notice to the public at the posting location before the date and time on which the regular meeting was to have been held

Agendas

- 5.4 On the Friday prior, the Clerk must give further public notice of the meeting by:
 - (a) posting a copy of the agenda at the posting location, and

(b) leaving copies of the agenda at the Legislative Services reception counter.

5.5 If the agenda for the meeting contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under Section 242.2 of the Municipal Act on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

Preparing agendas

5.6 Agendas for Regular Council, Council-in-Committee and Regular Council Public Hearing meetings shall be prepared by the Clerk, based on the provisions of this By-law and on directions from the Mayor. Agendas for Regular Council Land Use meetings are prepared by the Planning and Development Department in conjunction with the Clerk.

5.7 Council Members may add items to the agenda of a Regular Council or Regular Council Land Use meeting by:

- (a) giving verbal notice at the Regular Council or Regular Council Land Use meeting of their intention to introduce the proposal and/or document at the following Regular Council or Regular Council Land Use meeting (respectively), and submitting the proposal and/or document to the Clerk immediately thereafter or no later than 4 PM on the Wednesday immediately preceding the meeting at which such document and/or proposal is to be considered; OR
- (b) submitting such document and/or proposal to the Clerk no later than 4 PM on the Wednesday immediately preceding the meeting during which it is to be considered.

Changes to an Agenda

5.8 No motion to approve a meeting agenda shall be required.

5.9 During a Regular Council or Regular Council Land Use meeting, Council may resolve to add or delete agenda items, and/or to change the sequence of items on the agenda.

5.10 During a Special meeting, Council may resolve to change only the sequence of items on the agenda, but no items may be added to the agenda of such a meeting, except at the discretion of the Chair or a two-thirds majority of those present. In the case of Special Closed meetings the only items that may be considered must fall under the clauses as outlined under Section 242.2 of the Municipal Act and stated in the notice.

Closing Time for a Meeting

5.11 Council may resolve to establish a closing time for a meeting, and may resolve to extend such closing time.

Agendas for Regular Council Meetings

5.12 The order of business for a Regular Council meeting shall ordinarily be as follows:

- (a) Approval of minutes of previous meetings
- (b) Public Delegations
- (c) Committee Reports
- (d) Board/Commission Reports
- (e) Mayor's Report
- (f) Councillors' Reports
- (g) Corporate Reports
- (h) By-laws
- (i) Clerk's Report
- (j) Correspondence
- (k) Notices of Motion
- (l) Other Competent Business
- (m) Adjournment

Agendas for Special Meetings

5.13 The agenda for Special meetings shall include only those items which are included in the notice of such meeting. Other competent business may be considered at the discretion of the Chair or a two-thirds majority of those present. In the case of Special Closed meetings the only items that may be considered must fall under the clauses as outlined under Section 242.2 of the Municipal Act and stated in the notice.

Agendas for Council-in-Committee Meetings

5.14 The order of business for a Council-in-Committee meeting shall ordinarily be as follows:

- (a) Corporate Reports
- (b) Items Referred By Council
- (c) Delegations
- (d) Delegation Requests
- (e) Councillors' Reports
- (f) Other Competent Business
- (g) Adjournment

Agendas for Regular Council Public Hearing Meetings

5.15 The order of business for a Regular Council Public Hearing meeting shall ordinarily be as follows:

- (a) Adoption of Minutes
- (b) Corporate Reports (Land Use Applications)
- (c) By-laws
- (d) Items Tabled By Council
- (e) Correspondence
- (f) Notice of Motion
- (g) Other Competent Business
- (h) Adjournment

PART 6 - PRESIDING OFFICER

- 6.1 At its first Regular Council meeting in December, Council shall appoint Council Members to serve as Acting Mayor (an Interim Acting Mayor shall be appointed if the Acting Mayor is unavailable) in the following year, according to a schedule which Council shall establish.
- 6.2 The Mayor, if present, shall be the Presiding Officer at all Council meetings.
- 6.3 If the Mayor is not present, the Acting Mayor shall act as Mayor and Presiding Officer at the Council meetings.
- 6.4 If both the Mayor and the Acting Mayor are not present, at the end of ten (10) minutes from the appointed commencement time of the meeting, the Clerk shall call the meeting to order and request those members of Council in attendance to appoint one of their numbers as Interim Acting Mayor and presiding officer.
- 6.5 The Mayor, or the Councillor acting as Mayor and Presiding Officer, shall have all the duties and powers of the Mayor, as designated under the Municipal Act and this By-law.
- 6.6 The Presiding Officer shall be entitled to vote, second motions, and participate in debate without vacating the Chair, provided that the Mayor shall do so under the same rules which apply to the other Council Members.
- 6.7 During a meeting, the presiding officer shall maintain the decorum, keep a sequence of speakers and recognize Councillors or others who are entitled to speak, enforce the rules of order, and make rulings on points of order, subject to appeals by Council Members.

PART 7 - OPENING PROCEEDINGS

Call to Order

- 7.1 At the time set for opening the meeting, the Mayor - if a quorum is present - shall take the Chair and call the meeting to order.
- 7.2 If a quorum is not present within fifteen (15) minutes from the time set for opening the meeting, the Clerk shall record the names of the Council Members present and the meeting shall be adjourned.

Approval of Minutes

- 7.3 If the minutes of a previous meeting have been circulated before the meeting at which they are to be adopted, it shall not be required to read them aloud, and they shall be presented to Council for adoption as circulated, subject to corrections of any errors found therein.
- 7.4 The minutes of all Regular Council, Regular Council Land Use, Regular Council Public Hearing, and Special Open meetings shall be adopted at a Regular Council meeting. The minutes of all Council-in-Committee meetings shall be received and the recommendations therefrom shall be considered for adoption at a Regular Council meeting. The minutes of Closed meetings shall be approved at the following Closed meeting.

7.5 The minutes of all other Committee and Commission meetings, shall be received and the relevant recommendations considered for adoption at a Regular Council meeting.

7.6 The minutes of all Parks, Recreation & Culture Commission meetings shall be received at a Regular Council meeting.

PART 8 - CODE OF CONDUCT

Rules for Participation in Meetings

8.1 A Council Member who wishes to speak or make a motion at a meeting shall wait to be recognized by the Presiding Officer. Recognition shall generally be on a first-come-first served basis, and the Presiding Officer shall keep a speaker's list.

8.2 A Council Member who is speaking shall address the Mayor as "Mr./Madam Mayor" or "Mr./Madam Chair", and shall address other Council Members as "Councillor".

8.3 A Council Member shall not interrupt another person who has been duly recognized to speak, except to raise a point of order or a question of privilege.

8.4 The Council Member who makes a motion shall be entitled to speak on it for the first time in preference to other members, but shall not have the right of speaking last.

8.5 Each Council Member shall be entitled to speak up to two (2) times on each debatable motion - each time no longer than four (4) minutes, except when granted permission by the Council to exceed these limits.

8.6 A Council Member who wishes to speak for the second time on the same motion shall wait until those who wish to speak on it for the first time have spoken.

8.7 The Presiding Officer may alternate between proponents and opponents of a proposal, regardless of the first-come-first-served rule stated in 8.1.

8.8 Debate on a motion may be closed informally by voting on a motion to close debate, as provided in this By-law under "Subsidiary Motions".

Rules of Decorum

8.9 Council Members shall keep their comments germane to the issues at hand.

8.10 Council Members shall remain civil and courteous, avoid offensive language or personal attacks, and abide by the Presiding Officer's instructions.

8.11 In case any member shall so resist or disobey the decision of the Chairperson, the Council may, by resolution, order the member to leave for that meeting.

8.12 In the event of ample apology made by offending member, the Council may, by vote of the majority, permit the member to resume his seat forthwith.

8.13 Remarks or questions to other Council Members, Staff Members or a Public Delegation, shall be directed through the Chair.

8.14 When a member is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order.

8.15 When the Chairperson is putting a question, no member shall walk out of the meeting room.

Confidentially

8.16 Council Members shall be expected to uphold the confidentiality of the discussions and the decisions made during Closed Meetings.

Conflict of Interest

8.17 Council Members shall be expected to maintain high ethical standards appropriate to their public office, and shall be expected to report any conflict of interest at the first meeting at which the item is before Council.

8.18 If a Council member attending a meeting considers that he or she is not entitled to
(a) participate in the discussion of a matter, or

- (b) vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why the member considers this to be the case.

8.19 After making the declaration under 8.18, the member

- (a) must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter,
- (b) must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
- (c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

8.20 When the declaration is made under 8.18

- (a) the person recording the minutes of the meeting must record the member's declaration, the reasons given for it and the times of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) the person presiding at the meeting must ensure that the member is not present at the meeting at the time of any vote on the matter.

8.21 Whether or not a declaration is made under 8.18, if a Council member has a direct or indirect pecuniary interest in a matter, the member must not

- (a) participate in the discussion of the matter,
- (b) vote on a question in respect of the matter, or

(c) attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

8.22 Section 8.21 does not apply

- (a) if the pecuniary interest of the Council Member is a pecuniary interest in common with electors of the Municipality generally,
- (b) if the matter relates to remuneration of expenses payable to one or more Council Members in relation to their duties as Council Members, or
- (c) if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.

8.23 A person who contravenes Section 8.21 is disqualified from continuing to hold office as a Council Member unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Remedies for Non-Compliance with Sections 8.1 to 8.15

8.24 If a Council Member does not abide by one or more of the rules in Section 8.1 to 8.11, the Presiding Officer shall indicate the violation and direct that the member abide by the respective rule.

8.25 If - after one or more warnings - the member persists in breaching the rules, the Presiding Officer may order that the member be removed from the meeting room for the remainder of the meeting or for a portion thereof, or the Presiding Officer may seek Council's advice by asking: "What penalty shall be imposed on the member?"

8.26 In response to the Presiding Officer's question in 8.15, Council may order that the member in question be censured, or Council may go on record as disapproving of the member's conduct, or Council may order that the member be removed from the meeting room for the remainder of the meeting or for a portion thereof.

8.27 If a Council member resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council, that person may be removed by a peace officer at the direction of the Mayor or other person presiding

PART 9 - VOTING

9.1 Voting at all open Regular Council meetings shall be by show of hands, and there shall be no secret voting or voting by ballot.

9.2 The names of those who voted against a main motion, a resolution or a By-law shall be recorded in the minutes.

9.3 Consistent with the provisions in the Municipal Act, the Mayor and every Council Member present shall always vote, an abstention shall be counted as a vote in the affirmative, and a tie vote shall mean that a motion has been defeated.

PART 10 - MAIN MOTIONS AND RESOLUTIONS

- 10.1 During Special Open or Closed meetings of the Council, only resolutions which were included or implied in the notice/agenda of the meeting shall be allowed to come before the Council, except when Council, by a two third's majority vote of Council Members present, allows otherwise.
- 10.2 A Council Member who wishes to offer a resolution shall seek permission to speak, and - when recognized by the Presiding Officer - shall move that the resolution be adopted.
- 10.3 A resolution shall have no standing and no debate on it shall commence until it has been seconded and has been stated by the Presiding Officer as pending before the assembly.
- 10.4 Resolutions shall be required to be concise, unambiguous and complete, and the Presiding Officer may require that a resolution be submitted in writing or that the resolution be clarified before it is opened for debate or put to a vote.
- 10.5 The Presiding Officer shall rule that a resolution is out of order if it violates the Municipal Act, this Procedure By-law, other By-laws, rules or policies that apply to the Council. When ruling that a resolution is out of order, the Presiding Officer shall cite the provision which would be violated by the resolution in question.
- 10.6 Except in cases where the Municipal Act requires otherwise, resolutions shall require a majority vote of the Council Members present to be adopted.
- 10.7 At the request of a Council Member, the Presiding Officer shall read or clarify a resolution before a vote on it is taken.
- 10.8 At the request of a Council Member, a resolution shall be read by the Presiding Officer or the Clerk at any time during the debate. If the Presiding Officer believes that a Council Member is abusing this privilege, the Presiding Officer may declare the request dilatory and refuse to allow it, subject to an appeal of this ruling.

PART 11 - SECONDARY MOTIONS

- 11.1 While a main motion, resolution or By-law is pending before Council, secondary motions may be introduced and voted on prior to the vote on the main motion, resolution or By-law.
- 11.2 All secondary motions, except those specifically noted herein, may only be made by a Council Member who was duly recognized to speak by the Presiding Officer, may not interrupt another Council Member who was duly recognized to speak, and must be seconded and stated by the Presiding Officer before being debated or voted on.

Amendments

- 11.3 An amendment is a motion that the wording of another motion be changed before the vote on it is taken. The following main rules apply to amendments:
- (a) An amendment must be in one of these three forms:
 - (1) to amend by inserting or adding text; OR
 - (2) to amend by striking out text; OR
 - (3) to amend by striking out text and inserting other text in its place.
 - (b) An amendment is debatable, and requires a seconder and a majority vote to adopt.
 - (c) An amendment must be germane to (closely related to, or in some way involve) the motion which it seeks to modify, but it does not have to be supportive of its intent.
 - (d) There may be up to two amendments pending at the same time, while the resolution or By-law is on the floor:
 - (1) a primary amendment (an amendment to the main motion);
 - (2) a secondary amendment (an amendment to the amendment).

Motions to dispose of a pending resolution or By-law

- 11.4 The following four (4) Subsidiary Motions may be used to dispose of a pending main motion, resolution or By-law, permanently or temporarily, without taking a direct vote on it:
- (a) Postponement to a definite time: A motion to postpone consideration of the pending resolution or By-law to a specific time. This motion is debatable, requires a seconder and a majority vote to adopt, and must specify the time to which consideration is to be postponed, i.e.; later at the same meeting, or a future meeting (to be taken up under "items referred from Council", in which case there would be no need to move and second it again).

- (b) **Referral to a Committee or Staff:** A motion to send a pending By-law or resolution to Council-in-Committee, another committee, or staff for study and recommendation. This motion to refer is debatable and requires a seconder and a majority vote to adopt. It must specify the body to which the resolution or By-law is to be referred and any instructions to it. Its effect is to dispose of the resolution or By-law without a direct vote on it, with it being brought back when the Committee or staff reports (without a need to move and second again).
- (c) **Indefinite postponement:** A motion to decline to take a position on a pending resolution or By-law. This motion is debatable and requires a seconder and a majority vote to adopt. Its effect is to dispose of the resolution or By-law without a direct vote on it. The resolution or By-law which is postponed indefinitely cannot be brought up again at the same meeting (unless Council resolves otherwise). There is no obligation to take the resolution up at a future meeting, but it can be brought forward as new business at a future meeting.
- (d) **Tabling:** A motion to set aside a main or subsidiary pending resolution or By-law temporarily, with the purpose of accommodating something else of immediate urgency (e.g.: an important visitor that Council wants to hear from). This motion is not debatable and requires a seconder and a majority vote to adopt. Its effect is to set aside the resolution or By-law to a later time on the agenda.

Motions to limit, extend or close debate

11.5 The following two (2) Subsidiary Motions may be used to limit, extend or close debate:

- (a) **Limit or extend debate:** A motion to limit or extend debate, e.g.: to allow less or more than two speeches per Council Member on a debatable motion, or to shorten or extend the length of speeches provided for in this By-law (for the duration of the pending resolution), or to establish a closing time for debate on the pending resolution. The motion to limit or extend debate is not debatable, and requires a seconder and a majority vote to adopt.
- (b) **Previous question:** A motion to stop debate and proceed to the vote immediately. This motion is not debatable, and requires a seconder and a majority vote to adopt. To propose closure, a member obtains recognition and states: "I move the previous question", or: "I move that we close debate".

Privileged Motions

11.6 The following Privileged Motions are most likely to be required at a Council meeting:

- (a) **A question of privilege:** A request or a motion relating to the rights and privileges of members, e.g.: A request that noises and distractions be addressed before continuing with the meeting (a question of privilege affecting the assembly), or a motion that an incorrect record of a member's participation in the discussion be corrected (a question of personal privilege). Usually a question of privilege is addressed informally. If needed, the point raised can interrupt a speaker.
- (b) **Adjourn:** A motion to close the meeting. This motion is not debatable, and requires a seconder and a majority vote to adopt.
- (c) **Recess:** A motion to take a short intermission, after which Council's proceedings will be resumed. This motion is not debatable, and requires a seconder and a majority vote to adopt.
- (d) **Establish an adjourned (or "continued") meeting:** A motion to establish the date and time for an adjourned meeting, at which Council will complete the agenda for the present meeting (e.g.; if the present meeting is running late). This motion is not debatable, and requires a seconder and majority vote to adopt.

Incidental Motions

11.7 The following Incidental Motions are most likely to be required at a Council meeting:

- (a) **A Point of Order:** A complaint by a member that a rule of the assembly has been violated. This motion does not require a seconder and can interrupt a speaker. The Presiding Officer responds to it by asking the Council Member to state which rule has been violated. The Presiding Officer then makes a ruling as to whether the point of order is well taken (i.e.: the rule in question has indeed been violated) or that the point of order is not well taken (i.e.: no rule has been violated). This ruling is subject to an appeal.
- (b) **An Appeal:** A motion which enables a Council Member to dispute a ruling by the Presiding Officer and submit it to the Council for a decision. The Municipal Act does not require that the appeal be seconded, and the Presiding Officer must immediately put the question to a vote (without debate): "Shall the chair be sustained?". The Presiding Officer is not entitled to vote on the appeal. A majority in the negative is required to reverse the ruling in question, and a tie vote (or a majority in favor) sustains the ruling. The Clerk must record the names of those who voted in favor and against sustaining the chair.

- (c) **Division of a Question:** A motion to divide a multi-part By-law or resolution, so as to debate and vote on each part separately. This motion is not debatable, and requires a seconder and a majority vote to adopt. For this motion to be in order, the parts to be separated must be capable of standing on their own. There is no need for this motion if the vote is on a series of resolutions which are entirely independent, in which case the demand of one member is sufficient to force a separate vote on a part of the series or on each resolution.
- (d) **Withdrawal of a Motion:** Until debate on a motion commences, the mover may withdraw or change it. After the chair has stated the resolution as pending and debate has begun, the resolution belongs to Council, at which point the mover may request permission to withdraw it, and Council may agree to grant this permission by a majority vote.

PART 12 - BRINGING MOTIONS BACK BEFORE COUNCIL - GENERAL

- 12.1 This Part 12 includes general provisions for bringing motions back before Council. Part 13 of this By-law governs bringing back adopted resolutions or By-laws before Council. Part 14 governs bringing back defeated resolutions or By-laws before Council.
- 12.2 Notwithstanding Parts 12, 13 and 14 of this By-law, the Mayor may bring a resolution, By-law or proceeding back before the Council for reconsideration, under s. 189 of the Municipal Act.
- 12.3 The following provisions supersede those which are included in the Parliamentary Authority:
 - (a) The motion to reconsider shall only be applicable to main motions, resolutions or By laws, and shall not apply to secondary motions.
 - (b) The debate and vote on the motion to reconsider shall be concluded at the same meeting and may not be held over until the next meeting.
 - (c) If the motion to reconsider is adopted, the Council may reconsider the resolution or By-law at the same meeting, or it may resolve to postpone it to a future Council meeting of the same type, e.g.: from a Regular Council to another Regular Council meeting, from Regular Council Land Use to another Regular Council Land Use meeting.

PART 13 - BRINGING BACK ADOPTED MOTIONS BEFORE COUNCIL

- 13.1 A resolution or By-law which was adopted may be brought back before the Council by a motion to reconsider or by a motion to rescind or amend something previously adopted, provided that the resolution or By-law has not been acted upon by an officer of the City and has not received the assent of the electors.
- 13.2 The motion to reconsider an adopted resolution or By-law may be made at the same meeting during which the resolution or By-law was adopted, and may only be made by a Council Member who voted in favor of it. The motion to reconsider shall require a seconder, shall be debatable, and shall require a majority vote to adopt. If the motion to reconsider is adopted, the resolution or By-law shall be re-opened for debate and a second vote.
- 13.3 At a future Council meeting, a motion can be made to rescind or amend an adopted By-law or resolution which has not been acted upon and has not received the assent of the electors. The motion to rescind or amend something previously adopted can be made by any Council Member, regardless of how he or she has voted the first time, provided that notice of such motion has been included on the agenda of the meeting. The motion to rescind or amend something previously adopted requires a seconder and a majority vote to adopt.
- 13.4 If the motion to rescind or amend something previously adopted is defeated twice within three (3) months, the same or substantially the same motion to rescind or amend may not be renewed for at least six (6) months, except if Council - by a two-third's majority vote - permits such renewal.

PART 14 - BRINGING BACK DEFEATED MOTIONS BEFORE COUNCIL

- 14.1 A resolution or By-law which was defeated may be brought back before the Council by a motion to reconsider or by renewal.
- 14.2 A motion to reconsider a defeated resolution or By-law may be made at the same meeting during which the resolution or By-law was defeated, and may only be made by a Council Member who voted against it the first time. The motion to reconsider shall be debatable, shall require a seconder, and shall require a majority vote to adopt. If the motion to reconsider is adopted, the resolution or By-law shall be re-opened for debate and a second vote.
- 14.3 A defeated By-law or resolution can be renewed at a future Council meeting, i.e.: re introduced as new business. In the

case of a By-law, this shall mean commencing with first reading and - in the case of a By-law which requires a public hearing - a new public hearing shall be required.

- 14.4 The same or substantially the same By-law or resolution which was defeated for a second time in three (3) months may not be renewed for at least six (6) months, except if Council - by a majority vote - permits such renewal.

PART 15 - PASSAGE OF BY-LAWS

- 15.1 Every proposed By-law shall be printed and available to all Council Members before it is introduced at an Open Council meeting.
- 15.2 Every proposed By-law shall receive three separate readings prior to its final adoption, and all three readings may be given on the same day, except for those By-laws requiring a public hearing, whereby first and second reading and the setting of a public hearing shall be given on the same day.
- 15.3 The readings of a By-law may be given in a short form.
- 15.4 Where the Council resolves to consider a By-law clause by clause, such consideration shall be done as the second reading of the By-law.
- 15.5 The Clerk shall endorse upon every By-law the date of the readings, the date of passage, and the date of the final adoption thereof.
- 15.6 The only motion required for the passage of a By-law shall be: "That By-law (number) be passed."
- 15.7 The only motion required for the final adoption of a By-law after reconsideration shall be: "That By-law (number) be finally adopted."

PART 16 - RULES FOR PUBLIC PARTICIPATION

Applications for Public Participation

- 16.1 A member of the general public may request, by letter, permission to speak at a Council meeting as a public delegation, by submitting the required letter to the Clerk by 4:00 p.m. of the Wednesday preceding the meeting in order that the request may be considered by Council.
- 16.2 After consideration of the application, Council may:
- (a) agree to hear the applicant at a Regular Council, Closed Council or Council-in-Committee meeting - such date and time to be at the discretion of the Clerk; OR
 - (b) request further information to be submitted prior to further consideration of the application; OR
 - (c) refer the application to staff for a report prior to further consideration of the application; OR
 - (d) refuse the application.
- 16.3 The Clerk shall keep persons applying under Section 16.1 informed as to the progress and final outcome of their applications.

Presentations by Public Delegations

- 16.4 A presentation by a public delegation at a Regular Council, Closed Council or Council-in-Committee meeting shall be limited to fifteen (15) minutes, shall be confined to the subject which was indicated in the application, and may be followed by questions from Council for a period of up to five (5) minutes, except that these time limits may be modified by the Council, or on advice from the Clerk, on a case by case basis.
- 16.5 If needed, Council may resolve to permit or request a member of the public to speak and/or respond to questions relevant to a pending agenda item, without adhering to the process outlined in Sections 16.1 to 16.3.
- 16.6 Council Members who are asking questions of a public delegation shall limit themselves to seeking clarification or additional details, and shall avoid engaging the public delegation in a debate on the merits of issues.
- 16.7 No person, except members and officers of the Council, shall be allowed to come within the bar during a Council meeting,

without the permission of the Presiding Officer.

Presentations by the Public at Public Hearings

- 16.8 Pursuant to s.890 of the Municipal Act, all those persons who feel their interest in property may be affected by the proposed rezoning shall have the opportunity to be heard.
- 16.9 Speaking and Non-Speaking Lists will be available for the public to sign in the foyer of City Hall approximately one-half hour prior to the appointed start time of the Public Hearing. For those persons who do not sign the lists, or who arrive too late to sign the lists, the Presiding Officer shall ask three times "Are there any other speakers to this By-law?".
- 16.10 Council Members who are asking questions of a public delegation shall limit themselves to seeking clarification or additional details, and shall avoid engaging the public delegation in a debate on the merits of issues.

Disruptive Behavior

- 16.11 If a member of the general public is disrupting a meeting, the Presiding Officer may order that such person be removed from the Council Chamber, and/or may order that Council proceedings be recessed until the matter has been dealt with.
- 16.12 If a person resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council, that person may be removed by a peace officer at the direction of the Mayor or other person presiding

PART 17 - COMMITTEES

- 17.1 The Clerk must give weekly public notices of all Council appointed Committee, Commission and Board meetings by posting notices at the posting location on Fridays
- 17.2 The Clerk must give further public notice of the meeting by:
 - (a) posting a copy of the agenda on the posting location, and
 - (b) leaving copies of the agenda at the Legislative Services reception counter.
- 17.3 If the agenda for the meeting contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under Section 242.2 of the Municipal Act on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed
- 17.4 Council may establish Standing and Select Committees, and shall define their membership, designate committee chairs, and establish terms of reference and instructions to govern the work of such committees.
- 17.5 Committees shall be established for the purpose of considering referred matters and recommending action to Council. No committee shall be given the power to act, except by By-law adopted under the provisions of the Municipal Act by two-thirds of all the members of the Council.
- 17.6 Any Committee member shall have the right to submit a minority report to Council, but Council shall decide whether it wants to hear such minority report or act on its recommendations.
- 17.7 The rules of procedure of Council shall apply to committee meetings as far as is practical, and the number of times that committee members may speak on a motion shall not be limited.
- 17.8 Council may establish sub-committees, shall establish the terms of reference of such sub-committees, and may appoint members of the general public as sub-committee members.
- 17.9 The first meeting of a Standing Committee after its creation must be held on the date and at the time and location specified in the Committee Calendar as prepared by the City Clerk's office. Every meeting of a Standing Committee after its first meeting is to be held at the date, time and location specified by resolution of the Standing Committee.
- 17.10 The first meeting of a Select Committee after its creation must be held on the date and at the time and location specified in the Committee Calendar as prepared by the City Clerk's office. Every meeting of a Select Committee after its first meeting is to be held at the date, time and location specified by resolution of the Select Committee.
- 17.11 Business License Committee Hearing Procedures
 - A. Opening Remarks by Chair
 - B. Opening remarks by counsel for the City of Surrey:

1. introduction of Applicant/Applicant's counsel/interpreter
 2. review of legal tests
 3. review of rules of natural justice
- C. Testimony by City of Surrey witnesses:
1. examination in chief by counsel for the City of Surrey
 2. questions to the witness from the Business License Hearing Committee members
 3. cross examination of the witness by Applicant/Applicant's counsel
- D. Concluding Remarks by City of Surrey counsel
- E. Opening Remarks by Applicant/Applicant's counsel
- F. Calling of witnesses (if any) by Applicant/Applicant's counsel:
1. examination in chief by Applicant/Applicant's counsel
 2. questions to the witness from the Business License Hearing Committee members
 3. cross examination of the witness by City of Surrey's counsel
- G. Closing submissions by counsel for the City of Surrey
- H. Reply/Closing submissions by the Applicant/Applicant's counsel
- I. Discussion by Business License Hearing Committee members:
1. discussion of evidence
 2. discussion of range of penalties
- J. Decision by Business License Hearing Committee:
1. referral from Manager, By laws & Licensing – Council may grant, refuse, revoke or suspend
 2. appeal from suspension by Manager, By laws & Licensing – Council may uphold the decision, overturn the decision, grant a longer suspension, or revoke the business license entirely
- K. Council Resolution setting out the recommendation of the Business License Hearing Committee, containing reasons if it is recommended that the license is suspended or revoked
- L. Motion to adjourn

PART 18 - REPEAL OF FORMER PROCEDURE BY-LAW AND AMENDMENTS

18.1 By-laws No. 4155, 6822, 7713, 10515, 10877, 11547 and 12736 are hereby repealed.

PASSED THREE READINGS on the 25th day of January, 1999.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of February, 1999.

"D. W. McCallum" MAYOR

"D. B. Kenny" CLERK

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