

CITY OF SURREY

BY-LAW NO. 13950

A by-law to amend the provisions of "Council Procedure
By-law, 1999, No. 13600" as amended.
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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Council Procedure By-law, 1999, No. 13600" is hereby amended as follows:
 1. Part 2 - Definitions is amended in Section 2.1 by inserting new sub-section (d) immediately following sub-section (c) as follows:

"(d) "posting location" means the Council bulletin board in the main floor lobby of City Hall."
 2. Part 4 - Council Schedule is amended in Section 4.1 by deleting the words "(Special (Open) meetings, Special In-Camera meetings) and replacing them with the words "Special Open meetings, Special Closed meetings".
 3. Part 4 - Council Schedule is amended in Section 4.2 by deleting the words "Special (Open) and Special (In Camera) meetings" and replacing them with the words "Closed, and Special meetings".
 4. Part 4 - Council Schedule is amended in Section 4.2 by deleting sub-section (d) and replacing it with the following:

"(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 bylaw;
- 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 bylaw when its meeting is closed to the public."

5. Part 4 - Council Schedule is amended in Section 4.2 by deleting sub-section (e) and replacing it with the following:

"(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."

6. Part 4 - Council Schedule is amended by deleting Section 4.3 in its entirety.

7. Part 5 - Notices and Agendas is amended by renumbering Sections 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11 as Sections 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, and 5.15 respectively.

8. Part 5 - Notices and Agendas is amended by inserting new Sections 5.2 and 5.3 immediately following Section 5.1 as follows:
 - "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."

9. Part 5 - Notices and Agendas is amended by inserting new Section "Agendas" immediately following sub-section 5.3 as follows:

"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."

10. Part 5 - Notices and Agendas is amended by deleting Section 5.10 and replacing it with new Section 5.10 as follows:

"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."

11. Part 5 - Notices and Agendas is amended by deleting Section 5.13 and replacing it with new Section 5.13 as follows:

"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."
12. Part 7 - Opening Proceedings is amended in Section 7.4 by deleting the brackets from the word "(Open)".
13. Part 7 - Opening Proceedings is amended in Section 7.4 by deleting the words "Special (In-Camera)" and replacing them with the word "Closed".
14. Part 8 - Code of Conduct is amended in Section 8.16 by deleting the words "Special (In-Camera) Meetings" and inserting the words "Closed Meetings".
15. Part 8 - Code of Conduct is amended by deleting Section 8.18 and replacing it with new Section 8.18 as follows:

"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."
16. Part 8 - Code of Conduct is amended by deleting Section 8.19 and replacing it with new Section 8.19 as follows:

"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."
- 17. Part 8 - Code of Conduct is amended in Section 8.20 by deleting the words "When a declaration required by Section 8.18 is made" and replacing them with the words "When the declaration is made under 8.18".
- 18. Part 8 - Code of Conduct is amended by deleting Section 8.21 and replacing it with new Section 8.21 as follows:
 - "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."
- 19. Part 8 - Code of Conduct is amended in Section 8.22, sub-section (b) by deleting the words "or expenses" and inserting the words "of expenses".
- 20. Part 8 - Code of Conduct is amended by inserting new Section 8.27 immediately following Section 8.26 as follows:
 - "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."
- 21. Part 10 - Main Motions and Resolutions is amended in Section 10.1 by deleting the words "Special (Open) or Special (In-Camera) meetings" and replacing them with the words "Special Open or Closed meetings".
- 22. Part 15 - Passage of By-laws is amended in Section 15.1 by deleting the words "a Council meeting" and inserting the words "an open Council meeting".

23. Part 16 - Rules for Public Participation is amended in Section 16.2, sub-section (a) by deleting the words "Special (In-Camera)" and inserting the word "Closed".
24. Part 16 - Rules for Public Participation is amended in Section 16.4 by deleting the words "Special (In-Camera)" and inserting the word "Closed".
25. Part 16 - Rules for Public Participation is amended by inserting new Section 16.12 immediately following Section 16.11 as follows:

"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."
26. Part 17 - Committees is amended by deleting Section 17.1 in its entirety and replacing it with new Section 17.1 as follows:

"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."
27. Part 17 - Committees is amended by renumbering Sections 17.2, 17.3, 17.4, 17.5, and 17.6 as 17.4, 17.5, 17.6, 17.7, and 17.8 respectively.
28. Part 17 - Committees is amended by inserting new Sections 17.2 and 17.3 as follows:

"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."

29. Part 17 - Committees is amended in Section 17.4 by deleting the words "Standing Committees and Executive Committees" and inserting the words "Standing and Select Committees".

30. Part 17 - Committees is amended by inserting new Sections 17.9 and 17.10 immediately following Section 17.8 as follows:

"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."

2. This By-law shall be cited for all purposes as "Council Procedure By-law, 1999, No. 13600, Amendment By-law, 2000, No. 13950."

PASSED THREE READINGS on the 14th day of February, 2000.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 21st day of February, 2000.

_____MAYOR

_____CLERK