

**METRO VANCOUVER REGIONAL DISTRICT
MAYORS COMMITTEE**

MEETING

Wednesday, September 6, 2023

1:00 pm

**Meeting conducted electronically/in-person pursuant to the Procedure Bylaw
28th Floor Boardroom, 4515 Central Boulevard, Burnaby, British Columbia**

A G E N D A¹

1. ADOPTION OF THE AGENDA

1.1 September 6, 2023 Meeting Agenda

That the Mayors Committee adopt the agenda for its meeting scheduled for September 6, 2023 as circulated.

2. ADOPTION OF THE MINUTES

2.1 June 7, 2023 Meeting Minutes

That the Mayors Committee adopt the minutes of its meeting held June 7, 2023 as circulated.

pg. 4

3. DELEGATIONS

4. INVITED PRESENTATIONS

4.1 The Honourable Jennifer Whiteside, Minister, Mental Health & Addictions

Subject: Issue of Drug Use in Public Spaces and Support for People

4.2 Nicolas Baudouin, Consul General of France, and Sebastiaan Messerschmidt, Consul General of the Netherlands

Subject: Trade and Investment with the Members of the EU, Important Economic Partners for BC and Metro Vancouver

5. REPORTS FROM COMMITTEE OR STAFF

¹ Note: Recommendation is shown under each item, where applicable.

5.1 Code of Conduct for Elected Officials Policy

pg. 8

That the MVRD Board adopt the *Code of Conduct for Elected Officials Policy* as presented in the report dated July 20, 2023, titled “Code of Conduct for Elected Officials Policy”.

5.2 Board Procedure Bylaw

pg. 109

That the MVRD Board:

- a) give first, second, and third reading to *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*; and
- b) adopt *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*.

5.3 Manager’s Report

pg. 227

That the Mayors Committee receive for information the report dated July 26, 2023, titled “Manager’s Report”.

6. INFORMATION ITEMS

7. OTHER BUSINESS

8. BUSINESS ARISING FROM DELEGATIONS

9. RESOLUTION TO CLOSE MEETING

Note: The Committee must state by resolution the basis under section 90 of the Community Charter on which the meeting is being closed. If a member wishes to add an item, the basis must be included below.

That the Mayors Committee close its meeting scheduled for September 6, 2023 pursuant to section 226 (1) (a) of the *Local Government Act* and the *Community Charter* provisions as follows:

- 90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (g) litigation or potential litigation affecting the municipality;
 - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

10. ADJOURNMENT/CONCLUSION

That the Mayors Committee adjourn/conclude its meeting of September 6, 2023.

Membership:

Locke, Brenda (C) – Surrey	Johnstone, Patrick – New Westminster	Pachal, Nathan – Langley City
West, Brad (VC) – Port Coquitlam	Knight, Megan – White Rock	Ross, Jamie – Belcarra
Berry, Ken – Lions Bay	Lahti, Meghan – Port Moody	Ruimy, Dan – Maple Ridge
Brodie, Malcolm – Richmond	Leonard, Andrew – Bowen Island	Sager, Mark – West Vancouver
Buchanan, Linda – North Vancouver City	Little, Mike – North Vancouver District	Sim, Ken – Vancouver
Cassidy, Laura – Scə́waθən məsteyəx ^w (Tsawwassen First Nation)	MacDonald, Nicole – Pitt Meadows	Stewart, Richard – Coquitlam
Harvie, George V. – Delta	McCutcheon, Jen – Electoral Area A	Woodward, Eric – Langley Township
Hurley, Mike – Burnaby	McEwen, John – Anmore	

**METRO VANCOUVER REGIONAL DISTRICT
MAYORS COMMITTEE**

Minutes of the Regular Meeting of the Metro Vancouver Regional District (MVRD) Mayors Committee held at 1:01 pm on Wednesday, June 7, 2023 in the 28th Floor Boardroom, 4515 Central Boulevard, Burnaby British Columbia.

MEMBERS PRESENT:

Chair, Mayor Brenda Locke, Surrey
 Vice Chair, Mayor Brad West, Port Coquitlam
 Mayor Malcolm Brodie*, Richmond
 Chief Laura Cassidy*, scəwəθən məsteyəx^w (Tsawwassen First Nation)
 Mayor George V. Harvie, Delta
 Mayor Mike Hurley*, Burnaby
 Mayor Patrick Johnstone, New Westminster
 Mayor Megan Knight*, White Rock
 Mayor Andrew Leonard*, Bowen Island
 Mayor Mike Little, North Vancouver District
 Mayor Nicole MacDonald, Pitt Meadows
 Director Jen McCutcheon*, Electoral Area A
 Mayor John McEwen, Anmore
 Mayor Nathan Pachal*, Langley City
 Mayor Jamie Ross, Belcarra
 Mayor Dan Ruimy, Maple Ridge
 Mayor Mark Sager, West Vancouver
 Mayor Richard Stewart, Coquitlam
 Mayor Eric Woodward*, Langley Township (arrived at 1:28 pm)

MEMBERS ABSENT:

Mayor Linda Buchanan, North Vancouver City
 Mayor Ken Berry, Lions Bay
 Mayor Meghan Lahti, Port Moody
 Mayor Ken Sim, Vancouver

STAFF PRESENT:

Jerry W. Dobrovolny, Commissioner/Chief Administrative Officer
 Rapinder Khaira, Legislative Services Coordinator, Board and Information Services

*denotes electronic meeting participation as authorized by section 3.6.2 of the *Procedure Bylaw*

1. ADOPTION OF THE AGENDA

1.1 June 7, 2023 Meeting Agenda

It was MOVED and SECONDED

That the Mayors Committee adopt the agenda for its meeting scheduled for June 7, 2023 as circulated.

CARRIED

2. ADOPTION OF THE MINUTES

2.1 April 5, 2023 Meeting Minutes

It was MOVED and SECONDED

That the Mayors Committee adopt the minutes of its meeting held April 5, 2023 as circulated.

CARRIED

2.2 May 30, 2023 Meeting Minutes

It was MOVED and SECONDED

That the Mayors Committee adopt the minutes of its special meeting held May 30, 2023 as circulated.

CARRIED

3. DELEGATIONS

3.1 Erin Seeley, Chief Executive Officer, YWCA

Erin Seeley, Chief Executive Officer, YWCA provided a presentation on the YWCA Equity Kickstart Guide for Cities, requesting members to operationalise equity in their decision making processes.

Presentation material titled “YWCA City Shift: Making Cities Work for All” is retained with the June 7, 2023 Mayors Committee agenda.

4. INVITED PRESENTATIONS

4.1 Chief Constable Neil Dubord, Delta Police Department

Chief Constable Neil Dubord, Delta Police Department provided a presentation on catalytic converter theft, including the nature of catalytic converter thefts and legislative requirements.

Presentation material titled “Catalytic Converter Thefts” is retained with the June 7, 2023 Mayors Committee agenda.

Discussion ensued regarding the need for comprehensive legislation to address catalytic converter theft.

It was MOVED and SECONDED

That the Mayors Committee direct staff to identify whether Metro Vancouver has jurisdiction to address catalytic converter theft.

CARRIED

4.2 The Honourable Ravi Kahlon, Minister of Housing

The Honourable Ravi Kahlon, Minister of Housing provided a verbal update on the *Homes for People - Provincial Housing Strategy*, partnerships, and on the role Metro Vancouver and its members can play in the Strategy.

1:28 pm Mayor Woodward arrived at the meeting.

5. REPORTS FROM COMMITTEE OR STAFF

5.1 Manager's Report

Report dated May 19, 2023, from Jerry W. Dobrovolny, Commissioner/Chief Administrative Officer, providing the Mayors Committee with an update on the Mayors Committee 2023 Work Plan and financial impacts associated with permitting challenges.

It was MOVED and SECONDED

That the Mayors Committee receive for information the report dated May 19, 2023, titled "Manager's Report".

CARRIED

6. INFORMATION ITEMS

No items presented.

7. OTHER BUSINESS

No items presented.

8. BUSINESS ARISING FROM DELEGATIONS

No items presented.

9. RESOLUTION TO CLOSE MEETING

It was MOVED and SECONDED

That the Mayors Committee close its meeting scheduled for June 7, 2023 pursuant to section 226 (1) (a) of the *Local Government Act* and the *Community Charter* provisions as follows:

- 90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

10. ADJOURNMENT/CONCLUSION

It was MOVED and SECONDED

That the Mayors Committee adjourn its meeting of June 7, 2023.

CARRIED

(Time: 2:02 pm)

Rapinder Khaira,
Legislative Services Coordinator

Brenda Locke,
Chair

60364696 FINAL

To: Mayors Committee

From: Dorothy Shermer, Corporate Officer

Date: July 20, 2023

Meeting Date: September 6, 2023

Subject: **Code of Conduct for Elected Officials Policy**

RECOMMENDATION

That the MVRD Board adopt the *Code of Conduct for Elected Officials Policy* as presented in the report dated July 20, 2023, titled “Code of Conduct for Elected Officials Policy”.

EXECUTIVE SUMMARY

On April 28, 2023, the Board directed staff to bring forward a code of conduct based on the Model Code of Conduct produced by the Working Group on Responsible Conduct (WGRC). The WGRC is a joint initiative of the Union of BC Municipalities (UBCM), the Ministry of Community Sport and Cultural Development (the Ministry) and the Local Government Management Association (LGMA). The establishment—or consideration of establishment—of a Code of Conduct is a requirement introduced in the *Community Charter* in June 2022. The *Code of Conduct for Elected Officials Policy* (Attachment 1) has been prepared in accordance with the recommendations from the WGRC, and is now presented to the Board for discussion and consideration of adoption.

PURPOSE

To present the Code of Conduct for Elected Officials Policy for Board discussion and consideration of adoption.

BACKGROUND

At its meeting held on April 28, 2023, the Board considered a report dated March 17, 2023 titled “Board Procedure Bylaw Review Findings” (Attachment 2) and passed the following resolution:

That the MVRD board direct staff to bring forward a code of conduct based on the Model Code of Conduct produced by the Working Group on Responsible Conduct, as outlined in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings”.

Following this direction, this report brings forward the *Code of Conduct for Elected Officials Policy* for Board discussion and consideration of adoption.

POLICY

The *Code of Conduct for Elected Officials Policy* establishes guidelines for the conduct of Board and Committee members and assists in providing for the good governance of the Metro Vancouver Regional District. The Policy applies to the members of the Metro Vancouver Regional District, including its boards, committees, and advisory bodies. The Policy sets out the four foundation principles of responsible conduct—integrity, respect, accountability, and leadership and collaboration—and provides general standards of conduct that reflect the foundation principles.

While it is possible to include enforcement processes to address violations of the code, such as by adding provisions for informal resolution processes, formal resolution processes, and sanctions, the *Code of Conduct for Elected Officials* is intended to be self-enforcing. In the absence of a codified complaint process, members retain the primary responsibility to ensure that the general standards of conduct are understood and met so that the public can continue to have full confidence in the integrity of the governance of the Regional District.

The *Code of Conduct* is intended to be reviewed regularly. The *Community Charter* requires that the *Code* be reviewed at minimum after each general local election. The Board may choose to include additional provisions in the policy prior to its adoption, and may amend the policy during future reviews.

ALTERNATIVES

1. That the MVRD Board adopt the *Code of Conduct for Elected Officials Policy* as presented in the report dated July 20, 2023, titled “Code of Conduct for Elected Officials Policy”.
2. That the MVRD Board refer the report dated July 20, 2023 titled “Code of Conduct for Elected Officials Policy” back to staff for inclusion of additional provisions in the policy.

FINANCIAL IMPLICATIONS

There are no financial implications or budgetary impacts associated with the adoption of the *Code of Conduct for Elected Officials Policy*.

CONCLUSION

The *Code of Conduct for Elected Officials Policy* has been prepared in accordance with the recommendations from the Working Group on Responsible Conduct as directed by the Board on April 28, 2023. The *Code of Conduct for Elected Officials* establishes guidelines for the conduct of Board and Committee members and assists in providing for the good governance of the Metro Vancouver Regional District. The *Code of Conduct for Elected Officials* is intended to be self-enforcing; members have the primary responsibility of ensuring that these ethical standards are understood and met. Adoption of the policy meets the *Community Charter* requirement to establish a Code of Conduct.

Attachments

1. Draft *Code of Conduct for Elected Officials Policy*.
2. Mayors Committee report dated March 17, 2023 titled “Board Procedure Bylaw Review Findings”.

CODE OF CONDUCT FOR ELECTED OFFICIALS

Effective Date: September 29, 2023

Approved By: MVRD Board

Policy No. XX-XXX**PURPOSE**

The *Code of Conduct for Elected Officials* establishes guidelines for the conduct of Board and Committee members and assists in providing for the good governance of the Metro Vancouver Regional District.

INTRODUCTION

As elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the Metro Vancouver Regional District. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This *Code of Conduct* applies to the members of the Metro Vancouver Regional District, including its boards, committees, and advisory bodies. It is each member’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This *Code of Conduct* is intended to be developed, interpreted, and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Regional District, the common law, and any other legal obligations which apply to members individually or as a collective board.

FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

The four foundation principles of responsible conduct are integrity, respect, accountability, and leadership and collaboration.

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, and is truthful and honourable.

BOARD POLICY

2. **Respect** – means having due regard for others’ perspectives, wishes, and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes, and rights of others and an understanding of the role of the local government.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when board members, individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

STANDARDS OF CONDUCT

The following section provides general standards of conduct that reflect the foundational principles identified above.

Integrity

Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff, and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Board.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect

Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person’s values, beliefs, experiences, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.

BOARD POLICY

- Members will not engage in behaviour that is indecent, insulting, or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

Accountability

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

Leadership and Collaboration

Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the Chair of meetings, and treat that person with respect at all times.

COMPLIANCE AND ENFORCEMENT

The *Code of Conduct for Elected Officials* expresses standards of ethical conduct expected for members. Members themselves have the primary responsibility to ensure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

BOARD POLICY

The *Code of Conduct for Elected Officials* is intended to be self-enforcing. Members should view the *Code* as a set of guidelines that express collectively the standards of conduct expected of them. The *Code* is most effective when members are thoroughly familiar with the *Code* and embrace its provisions.

To: Mayors Committee

From: Dorothy Shermer, Corporate Officer

Date: March 17, 2023

Meeting Date: April 5, 2023

Subject: **Board Procedure Bylaw Review Findings**

RECOMMENDATION

That the MVRD board:

- a) direct staff to bring forward a new Metro Vancouver Regional District Board Procedure Bylaw to replace *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* that incorporates the recommended changes as presented in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings”; and
 - b) direct staff to bring forward a code of conduct based on the Model Code of Conduct produced by the *Working Group on Responsible Conduct*, as outlined in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings.”
-

EXECUTIVE SUMMARY

On February 25, 2022, the Board requested a comprehensive review of the *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014*, as amended (*Procedure Bylaw*), and directed staff to report back with suggested changes. The review was completed by a consultant in August 2022. It found the current *Procedure Bylaw* to be legislatively compliant and largely in keeping with best practices. The consultant report recommends a series of amendments to provide greater procedural clarity, reduce redundancies, and facilitate interpretation through the use of plain language. This report 1) brings forward amendments proposed in the consultant report; 2) outlines the newly legislated requirement for considering the establishment of a code of conduct and recommends establishing such code; and 3) proposes additional amendments to the *Procedure Bylaw* to differentiate electronic meetings from electronic participation, which will enable greater flexibility in determining the appropriate meeting type for each meeting.

PURPOSE

To bring forward recommendations for the MVRD Board to update its *Procedure Bylaw* and recommend the establishment of a code of conduct.

BACKGROUND

At its meeting held on February 25, 2022, the Board requested a review of the *Procedure Bylaw* and adopted the following:

That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.

In June 2022, the BC Government amended the *Community Charter* to require all local governments in the province to consider establishing a code of conduct for its members.

Following this direction, this report brings forward for board consideration the findings of the comprehensive review of the *Procedure Bylaw* that was completed in August 2022, including the consideration for establishing a code of conduct.

PROCEDURE BYLAW REVIEW

The Board's *Procedure Bylaw* establishes the general meeting procedures to be followed by the Boards and Committees in conducting business. The *Procedure Bylaw* has been amended six times since it was adopted in 2014 to respond to changing circumstances, but has not undergone a thorough review since then. Therefore, a review of the *Procedure Bylaw*, including consideration for including a code of conduct, is warranted at this time.

Scope of the Review

An independent consultant reviewed the current *Procedure Bylaw* against the following:

- Procedure bylaws and codes of conduct from 23 member jurisdictions and other regional districts;
- Ministry and Local Government Management Association's model *Procedure Bylaw Guide*, including the new electronic meeting framework, public notice changes, and responsible conduct;
- Applicable provisions of the *Local Government Act* and *Community Charter*; and
- Other meeting best practices and procedural authorities.

Findings of the Review

The consultant's report is provided for information in Attachment 1. The report finds the current *Procedure Bylaw* to be legislatively compliant and largely in keeping with best practices. The report recommends a series of amendments to provide greater procedural clarity, reduce redundancies, and facilitate interpretation through the use of plain language. A summary of the recommendations is provided in the table below.

Section	Consultant Recommendations
Part 1 – Introduction	<ul style="list-style-type: none">• Update address• Replace references to specific sections of legislation with general references to legislation
Part 2 – Election of Chair and Vice Chair	<ul style="list-style-type: none">• Add a provision requiring the Board Chair candidate to consent to the nomination• Add a section permitting a candidate to address the board after being nominated, including the allotted speaking time• Add a provision allowing candidates to be nominated if not present• Consider including a section that specifies how the election is to be conducted by secret ballot if the meeting is held electronically• Simplify determination of election results in case of three(or more)-way ties

Section	Consultant Recommendations
Part 3 – Meetings	<ul style="list-style-type: none"> • Add a new section before 3.1.3 to specify requirements for cancelling or rescheduling meetings • Clarify requirements for calling special meetings – 24-hour notice • Move and renumber sections addressing in person meetings and electronic meetings • Replace quotation of <i>Community Charter</i> sections with references to the <i>Charter</i> • Replace references to specific sections of legislation with general references to legislation • Specify that the Corporate Officer may send designates to attend meetings
Part 4 – Quorum	<ul style="list-style-type: none"> • Specify the Chair’s duty to preside upon arrival
Part 5 – Order of Business	<ul style="list-style-type: none"> • Add standard order of business for closed meetings • Add section to address agenda preparation and circulation • Replace references to specific sections of legislation with general references to legislation • Specify that minutes are available to the public • Add ability to correct minor errors in adopted minutes • Clarify order of precedence of motion to adjourn
Part 6 – Keeping Order	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Clarify language for challenging Chair rulings • Add requirements for respectful language and conduct, and procedures for addressing conduct issues
Part 7 – Debate	<ul style="list-style-type: none"> • Replace confusing terms with plain language terms
Part 8 – Motions	<ul style="list-style-type: none"> • Update terms to conform with Robert’s Rules of Order
Part 9 – Notice of Motion	<ul style="list-style-type: none"> • Clarify definition of “new matter” • Add section to allow members’ notices of motion to proceed in their absence with the mover’s written consent
Part 10 – Reconsideration, Rescission of a Resolution	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Correct section reference • Clarify that executed matters are excluded from reconsideration • Specify time limit for reconsideration of the same matter
Part 11 – Voting	<ul style="list-style-type: none"> • Replace quotation of <i>Community Charter</i> sections with references to the <i>Charter</i>
Part 12 – Bylaws	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Specify that Public Hearings, where required, are held after second reading • Remove requirement to seal bylaws

Section	Consultant Recommendations
Part 13 – Delegations	<ul style="list-style-type: none"> • Clarify limit of speaking once per subject matter and add minimum timeframe for repeated delegations • Clarify retention of delegation presentations • Provide clarification on prohibited items (e.g. item for which Public Hearing has been held, subject of litigation, commercial promotions, etc.) • Limiting the number of delegations at each meeting • Replace confusing terms with plain language terms
Part 14 – Committees	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Clarify committee responsibility to consider staff reports

Code of Conduct

In June 2022, the *Community Charter* was amended to include new sections (113.1 and 113.2) that require a board, within six months after its first regular meeting following a general local election, to decide whether to establish a code of conduct or review an existing code of conduct. A code of conduct is a written document that sets shared expectations for conduct or behavior, and establishes shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.

The Work Group on Responsible Conduct (WGRC) is a joint initiative of the Union of BC Municipalities (UBCM), the Ministry of Community Sport and Cultural Development (the Ministry) and the Local Government Management Association (LGMA). The WGRC has developed a Model Code of Conduct that provides local government council or board members with a set of principles and general standards of conduct that can be used to develop their own code of conduct.

Per the *Community Charter*, in considering whether to establish a code of conduct for members, the Board must review the following prescribed principles for codes of conduct:

1. Integrity – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, and is truthful and honourable.
2. Respect – means having due regard for others’ perspectives, wishes, and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes, and rights of others and an understanding of the role of the local government.
3. Accountability – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.

4. Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

In the event that the Board decides not to establish a code of conduct, the Board must make available to the public a statement explaining this decision. It should be noted that the six-month time limit (May 25, 2023 for the Metro Vancouver Board) is for deciding whether to establish a code of conduct, not for establishing such a code. As the process of developing and adopting a code of conduct is essential to establishing shared expectations, the Board is encouraged to undertake a considered, thorough process. If directed, staff will bring forward a draft code of conduct for the Board's consideration and discussion; this draft code of conduct would be based on the Model Code of Conduct produced by the Working Group on Responsible Conduct.

ELECTRONIC MEETINGS AND ELECTRONIC PARTICIPATION

The Consultant's review of the *Procedure Bylaw* was completed while Board and Committee meetings were still, in response to the pandemic, being held electronically with or without in-person attendance. Since that time, a shift to in-person meetings has occurred, which has highlighted the need for greater clarity in differentiating between in-person, electronic, and hybrid meetings.

The current *Procedure Bylaw* does not differentiate between electronic meeting and electronic participation, nor between electronic meetings and hybrid meetings. Any meeting in which a remote participant is to be accommodated, even if intended to be an in-person meeting, must be held as an electronic meeting, which removes the ability to require other members to attend in-person. Under the current *Procedure Bylaw*, the Board may, by resolution, specify that a meeting requires in-person attendance by members, and the Chair may make this determination independently as long as seven days' notice is provided. Members may waive the notice requirement by a unanimous vote, or the Chair can remove the requirement if unsafe conditions exist. The *Procedure Bylaw* does not address the authority or method of converting an in-person meeting to an electronic one aside from situations where unsafe conditions exist for the members to meet in person.

In response to the need for clarity on conversion between meeting types, and the need for Board and Committee Chairs and members to determine how their meetings are best held, staff propose adding clear differentiations between in-person meetings, hybrid meetings, and electronic meetings, as well as a mechanism for allowing electronic participation in in-person meetings. The proposed framework is laid out in the table below.

	In-Person Participation	Electronic Participation
In-Person Meeting (A)	Mandatory	Not available
In-Person Meeting (B)	Mandatory	Available for exceptional circumstances
Hybrid Meeting	Available option	Available option
Electronic Meeting	Not available	Mandatory

Under the new framework, Board and Committee Chairs will have the ability to specify whether meetings should be electronic, hybrid, or in-person; and, in the case of in-person meetings, specify whether electronic participation should be available under exceptional circumstances. In cases where electronic participation in an in-person meeting is permitted for members experiencing exceptional circumstances that prevents them from attending in person, the process of allowing the specific members to participate electronically can be handled administratively. The new framework will provide procedural certainty for establishing meeting types as well as for converting meeting types.

SUGGESTED PROCEDURE BYLAW CHANGES

Since recommended amendments include reordering sections and adding new sections, *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* should be replaced rather than amended. The recommended changes to the Procedure Bylaw are as follows:

- **Housekeeping changes** – updating address; replace references to specific sections of legislation with general references to legislation; replace quoted sections of legislation with general references to legislation; replacing confusing terms with plain language terms; update terms to conform with Robert’s Rules of Order; correct section references.
- **Add clarity by specifically including long-standing practices and interpretations** – specify that the Corporate Officer may send designates to attend meetings; specify the Chair’s duty to preside upon arrival; add standard order of business for closed meetings; add section to address agenda preparation and circulation; specify that minutes are available to the public; specify that 24-hour notice is required for calling special meetings; clarify order of precedence for motions to adjourn; clarify that executed matters are excluded from reconsideration; specify that Public Hearings, where required, are held after second reading; clarify committee responsibility to consider staff reports.
- **Chair Elections** – clarify requirement to consent to nominations for position of Board Chair or Vice-Chair; add provisions for allowing absent candidate to be nominated and to consent to the nomination; specify allotted time for candidate to address the Board; specify how the election is to be conducted by secret ballot if the meeting is held electronically; simplify determination of election results in the case of three (or more) way ties by using the same method for determining two-way ties.
- **Rescheduling or Cancelling Meetings** – add provisions to specify how meetings can be rescheduled or cancelled.
- **Notice of Motion** – clarify “new matter” as “matter that is not listed on the meeting agenda”; add provision to allow members’ notices of motion to proceed in their absence with the mover’s written consent.
- **Reconsideration** – add six-month waiting period for repeating reconsideration motions.
- **Bylaws** – remove requirement to place corporate seal on bylaws.
- **Delegations** – clarify that delegations cannot appear more than once “on the same subject matter” instead of “on the same agenda item” within six months; specify that only the executive summary of up to two pages from delegations is retained; limit the maximum number of delegations at each meeting to three, except with unanimous board approval; add list of prohibited delegations (e.g. item for which Public Hearing has been held, subject of litigation, commercial promotions, and other commonly prohibited delegations).

- **Electronic Meetings and Electronic Participation** – add clear differentiations between in-person meetings, hybrid meetings, and electronic meetings, as well as a mechanism for allowing electronic participation in in-person meetings; add provisions for administrative handling of request for electronic participation in in-person meetings; add procedures for establishing meeting types and converting meeting types.

ALTERNATIVES

1. That the MVRD board:
 - a) direct staff to bring forward a new Metro Vancouver Regional District Board Procedure Bylaw to replace *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* that incorporates the recommended changes as presented in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings”; and
 - b) direct staff to bring forward a code of conduct based on the Model Code of Conduct produced by the *Working Group on Responsible Conduct*, as outlined in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings.
2. That the MVRD board refer the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings,” back to staff for inclusion of additional changes to the bylaw provisions.
3. That the MVRD board provide the following statement respecting the reasons for not establishing a code of conduct: **[insert statement]**.

FINANCIAL IMPLICATIONS

There are no financial implications or budgetary impacts associated with any of the proposed changes to the meeting procedures outlined in this report.

CONCLUSION

This report brings forward proposed amendments resulting from a comprehensive *Procedure Bylaw* review undertaken at the request of the Board in 2022, as well as additional amendments to differentiate between electronic meetings and electronic participation, which will enable greater flexibility in determining the appropriate meeting type for each meeting. The report also outlines the newly legislated requirement for considering the establishment of a code of conduct and recommends establishing such code. Should the Board proceed with Alternative 1, staff will bring forward a new *Procedure Bylaw* and a code of conduct for the Board’s consideration. Should the Board require additional changes to the *Procedure Bylaw*, they may provide this direction at the meeting in addition to Alternative 1, or refer the report back to staff for additional changes as laid out in Alternative 2. If the Board opts not to establish a code of conduct, it must adopt a statement respecting the reasons for not establishing a code of conduct as laid out in Alternative 3. Staff recommend Alternative 1.

Attachments

1. “Metro Vancouver Procedure Bylaw Review”, August 2022, Prepared by Sonia Santarossa.
2. *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014*, unofficial consolidation.

METRO VANCOUVER

PROCEDURE BYLAW REVIEW

August 2022

Prepared by: Sonia Santarossa, MA

Page left blank intentionally

TABLE OF CONTENTS

Table of Contents

TABLE OF CONTENTS.....	3
1. INTRODUCTION.....	4
i. Project Overview	4
ii. Methodology	4
2. BACKGROUND.....	5
i. Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 (Consolidated).....	5
3. GAP ANALYSIS AND RECOMMENDATIONS	7
i. Part 1 - Introduction.....	7
ii. Part 2 – Election of Chair and Vice Chair	10
iii. Part 3 - Meetings	13
iv. Part 4 - Quorum.....	26
v. Part 5 – Order of Business	28
vi. Part 6 – Keeping Order	33
vii. Part 7 - Debate.....	36
viii. Part 8 - Motions.....	38
ix. Part 9 – Notice of Motion	39
x. Part 10 – Reconsideration, Rescission of a Resolution	41
xi. Part 11 - Voting.....	45
xii. Part 12 - Bylaws	47
xiii. Part 13 - Delegations	50
xiv. Part 14 - Committees	56
4. ADDITIONAL SECTIONS FOR CONSIDERATION	58
In addition to some of the additional sections already noted in the report, staff may wish to consider adding the following sections to the Bylaw if applicable:	58
5. PUBLIC NOTICE REQUIREMENTS	58
6. RESPONSIBLE CONDUCT OF LOCALLY ELECTED OFFICIALS	61
7. APPENDICES	63

1. INTRODUCTION

i. Project Overview

In February 2022, Metro Vancouver Board directed staff to undertake a review of its current Procedure Bylaw 1205, 2014 (the “Bylaw”).

“That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.”

Metro Vancouver retained Sonia Santarossa (the “Consultant”) to undertake this review in accordance with the Project Scope (the “Project”) attached in Appendix A.

ii. Methodology

In keeping with the Project Scope, the Consultant conducted the following review:

- Metro Vancouver Procedure Bylaw No. 1205, 2014 (consolidated)
- “Procedure Bylaw Guide: For B.C.’s Local Governments” (the “Ministry/LGMA Guide”) - Ministry of Municipal Affairs and Local Government Management Association (LGMA): [Procedure Bylaw Guide: For B.C.'s Local Governments](#)
- “Guidance for Adapting to the New Electronic Meetings Framework” – Ministry of Municipal Affairs: [Guidance for Adapting to the New Electronic Meetings Framework \(gov.bc.ca\)](#)
- “Public Notice Guidance Materials: For B.C. Local Governments” – Ministry of Municipal Affairs: [Public Notice Guidance Materials: For B.C. Local Governments](#)
- Public Notice Regulation B.C. Reg. 52/2022: [Public Notice Regulation \(gov.bc.ca\)](#)
- Responsible Conduct of Locally Elected Officials: [Responsible conduct of locally elected officials - Province of British Columbia \(gov.bc.ca\)](#)
- *Local Government Act* and *Community Charter* – applicable provisions
- Roberts Rules of Order and other similar meeting rules authority – select provisions
- Member jurisdictions and other Regional District Procedure Bylaws and Code of Conduct

In addition to the Project Scope, the Consultant met with the Director of Board and Information Services/Corporate Officer to identify specific areas of focus in the current Procedure Bylaw.

2. BACKGROUND

i. Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 (Consolidated)

Section 225 of the *Local Government Act* stipulates that a board must, by bylaw:

- “1(a) establish the general procedures to be followed by the board and by board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;*
- (b) provide for advance public notice respecting the date, time and place of board and board committee meetings and establish the procedures for giving that notice;*
- (c) identify places that are to be public notice posting places for the purposes of the application of section 94 [requirements for public notice] of the Community Charter to the regional district.*
- 2. A bylaw adopted under this section must not be amended, or repealed and substituted, unless the board first gives notice in accordance with section 94 of the Community Charter describing the proposed changes in general terms.”*

The current Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 was adopted in 2014. Since then, the Bylaw has been amended six times to respond to changing circumstances. The following is a summary of the Procedure Bylaw amendments:

- January 2017 – changing December 1 date to November 1 to reflect new election cycle; updating new legislative section numbers
- January 2018 – update definition of “posting place” and location of Board meetings; replacing references to “Greater Vancouver Regional District” with “Metro Vancouver”
- February 2020 – majority of the members of a committee, except Council of Councils’ Committee responsible for the Regional Economic Prosperity Service, shall be directors
- March 2020 – authority for a board or board committee member to participate electronically due to a public health event as determined by the Chair
- June 2021 – adding a new section to Part 13 (Delegations) restricting a delegation request in relation to a public procurement process that has been initiated
- September 2021 – addition and amendment of definitions; replacing sections 3.1 to 3.6.2 and replacing with new sections

In addition to the above, the Consultant met with the Corporate Officer where the following areas of focus for the review were identified:

- Delete sections where language already included in legislation
- Part 1: Introduction:
 - Update address noted in “posting place” definition
- Part 2: Election of Chair and Vice Chair
 - Section 2.8 (Tie Vote) – review procedures
- Part 3: Meetings:
 - Section 3.15 (Corporate Officer to attend) – include “or designate”
 - Special meetings that occur on an annual basis, i.e. budget consideration, are

- included on annual meeting schedule – are they now considered regular meetings and the agenda should follow the prescribed order of business?
 - Electronic Meeting provisions
- Part 5 – Order of Business:
 - Section 5.1.1(l) – Rise and Report – clarify intention and use of this section
 - Section 5.7.1 (Adjourn) – clarify language and intent of section
- Part 6: Keeping Order:
 - Section 6.2 (Use of audio and or video recording devices) – determine if provision is still required
 - Section 6.4 (Appeal) – clarify language
- Part 7 – Debate:
 - Section 7.4(b) (Debate) – clarify language
- Part 8 Motions:
 - Section 8.2 (Motion) – clarify “to table” – intent and proper usage of term
- Part 9 – Notice of Motion:
 - Section 9.1 (Notice of Motion) – clarify definition of ‘new matter’ –
- Part 10: Reconsideration, Rescission of a Resolution:
 - Section 10.2(Director, other than the chair, may propose board reconsideration of a matter) – does this include committee members? – can reconsideration occur at committees?
- Part 11 – Voting:
 - Section 11.5 (Conflict of Interest) – delete? Repeated in legislation
- Part 12: Bylaws:
 - Section 12.11 (Certification and storage) – delete reference to “sealed with the seal of the Board” – seal no longer required and not a common practice
- Part 13 – Delegations:
 - Section 13.1 (General Provisions – Delegations) clarify intent of ‘same agenda item’ – does this mean “subject matter”? Can delegations attend more than once – repeat delegations at different bodies?
 - Section 13.3 – what does keeping the material on ‘the record’ mean? Should the information be attached to the minutes or kept on file?
 - Section 13.4.2 – consider additional restrictions on what a delegation can speak to
 - Section 13.8 (Delegation – board) – clarify definition of “emergency”. Is this the same as urgent?
- Part 14 – Committees:
 - Section 14.5 (Matters Referred to Committee by the Board) – does this include staff reports to committee?

3. GAP ANALYSIS AND RECOMMENDATIONS

The following gap analysis includes a comprehensive review of each section of Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 in relation to the documents noted in Part 1(ii) – Methodology.

In addition to the procedures bylaws of the member jurisdictions, the Consultant also reviewed the Capital Regional District and Fraser Valley Regional District procedure bylaws.

Each part of the Bylaw was cross-referenced with the Ministry/LGMA Guide to confirm if the legislated requirements for the procedure bylaw were included along with the best practice provisions. The legislated requirements that are not included in the Bylaw are highlighted in yellow and the best practices that are not included are highlighted in blue.

i. Part 1 - Introduction

a. Title

- 1.1 *This bylaw shall be cited as “Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014.”*

b. Definitions

See section 1.2 of the Bylaw.

Comments:

The “posting place” definition includes reference to the former address of the Metro Vancouver Regional District Offices.

The Bylaw makes reference to specific sections of the *Local Government Act* or *Community Charter*. In the event the sections to the legislation change over time, the Bylaw would need to be amended to update the section references.

Recommendations:

1. Revise “posting place” definition by replacing “4730 Kingsway” with “4515 Central Boulevard”.
2. Remove reference to specific sections of the legislation in the following definitions:
 - a. If a “select committee” – replace “pursuant to section 218 [Appointment of select and standing committees] of the Act...” with “pursuant to the Act”.

c. Application of Rules of Procedure

1.3 The rules of procedure as set out in this bylaw apply to all meetings of the Board and committees except as otherwise provided.

1.3.1 The Standing Orders of the Legislative Assembly of British Columbia, not including the House of Commons of the United Kingdom of Great Britain and Northern Ireland, shall as far as they may be applicable, apply to all unprovided cases of the proceedings of the Board and committees

Comments:

Application of Procedural Rules:

Procedural rules are commonly agreed upon rules and customs for deliberation and debate and are not legislated. In some cases, procedural matters are not explicitly set out in the procedure bylaw and in these instances, the procedure bylaw would defer to another parliamentary resource. The inclusion of this section is not a legislated requirement.

Metro Vancouver refers to the Standing Orders of the Legislative Assembly of British Columbia for all unprovided cases of the proceedings of Boards and committees and this has been the case for many years, possibly since the incorporation of the Regional District. The other local governments consulted for this review refer to the latest edition of Robert's Rules of Order.

Recommendation:

No change required.

d. Motion to Suspend the Rules

1.4 Any member may give notice of a motion to temporarily suspend any one or more of the rules contained in this Bylaw, provided that such suspension is not inconsistent with or in contravention of any statutory requirement, by providing the Corporate Officer with a written copy of such motion no later than two working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting. The notice must specify which rule is to be temporarily suspended and the item on the agenda to which that suspension will apply.

1.5 At a meeting, any member may at any time introduce a motion to temporarily suspend any one or more of the rules contained in this Bylaw provided that such suspension is not inconsistent with or in contravention of any statutory requirement, but such motion may only be adopted by at least two thirds vote of the members present.

Comments:

The Bylaw allows a member to introduce a motion at the meeting or to give notice of motion to temporarily suspend a rule in the Bylaw by providing written notice.

Approximately 1/3 of the procedure bylaws consulted included a section to temporarily suspend the rules with at least 2/3 vote of the members present. This is consistent with Metro Vancouver's Procedure Bylaw. This provision is not a legislated requirement to be included in the procedure bylaw.

Recommendation:

No change required.

ii. **Part 2 – Election of Chair and Vice Chair**

2.1 As provided in section 215 [Chair and vice chair of board] of the Act:

- (1) At the first meeting held after November 1 in each year, the Board must elect a Chair and a Vice Chair.*
- (2) The Vice Chair has, during the absence, illness or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.*
- (3) If the Chair and the Vice Chair are not present at a meeting of the Board, the directors present may elect an acting Chair who, during that meeting, has all the powers of the Chair and is subject to all rules applicable to the Chair.*
- (4) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.*

2.2 The call for nominations for the office of Board Chair shall be conducted by the Corporate Officer, and the call for nominations for the office of Board Vice Chair shall be called by the Board Chair.

2.3 If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation.

2.4 If more than one candidate is nominated for an office, an election by voting shall be held and voting shall be conducted by secret ballot.

2.5 The counting of ballots shall be conducted by the Corporate Officer together with the Treasurer or Corporate Solicitor. Immediately thereafter the ballots shall be destroyed.

2.6 The candidate with the most votes for an office shall be declared elected to that office.

Tie Vote

2.7 In the event of a tie vote for the most votes of two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by lot between those candidates as follows:

- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;*
- (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;*
- (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;*
- (d) a person who is not a candidate shall be asked to withdraw one paper;*
- (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.*

2.8 In the event of a tie vote for the most votes of more than two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by preferential ballot system

Comments:

The Ministry/LGMA Guide notes the following with respect to the election of the Chair and Vice Chair:

Legislative Requirements – LGA s. 215	Metro Vancouver Procedure Bylaw
At the first meeting held after November 1 each year, the board must elect a chair and vice chair	s. 2.1
The same rules and powers apply to the vice chair in the absence of the chair	s. 2.1(2)
If the chair and vice chair are not present the directors must elect an acting chair	s. 2.1(3)
Each director present at the meeting has one vote in each election for an office	s. 2.1(4)
Best Practices	
Outline the process to elect the chair and vice chair in the procedure bylaw, which may include: <ul style="list-style-type: none"> How nominations are made If the candidate is not present at the meeting how their nomination can be provided Conducting the vote by secret ballot using a ballot box Whether time (and how much) is provided for candidates to address the board Process for a tie 	s. 2.2 s. 2.4 s. 2.7 & s. 2.8

The Bylaw includes procedures for all of the above with the exception of the following:

- how nominations can be provided if a candidate is not present; and
- whether candidates can address the board after their nomination.

Absence of Candidate:

The Capital Regional District Procedure Bylaw s. 5(3) states “If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.”

Candidates May Address the Board:

The Capital Regional District Procedure Bylaw s. 5 states the following:

“(4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.”

The Fraser Valley Regional District Procedure Bylaw s. 4.10.8 states the following:

“Prior to the vote being conducted, persons running for office of Board Chair shall be afforded the opportunity to address the Board for one(1) minute prior to the vote on the first ballot being taken.”

Tie Vote: Section 2.8 of the Bylaw refers to the procedures for a tie vote for the most votes of more than two candidates. Similar to s. 2.7 of the Bylaw, up to three elections are to be held to determine a definitive election result. In the event a definitive result cannot be achieved after three elections, then the result of the election is to be determined by preferential ballot system. It is unclear what is meant by this and it is unlike the ‘determination by lot’ as referenced in s. 2.7.

Other Procedures for Consideration

Candidate’s Consent:

Both the CRD and FVRD Procedure Bylaws note the requirement for the candidate to consent to the nomination. This is not included in the Metro Vancouver Bylaw.

Electronic Voting by Secret Ballot:

The FVRD Procedure Bylaw includes the following s. 4.10.15:

“For elections that take place while a meeting is being held by electronic or other communication facilities, if voting by secret ballot is not practical, Board Members may place their vote by way of an individual, confidential phone call to the Corporate Officer.”

Recommendations:

1. Section 2.1 - remove reference to the specific section of the legislation
2. Add a provision requiring the candidate to consent to the nomination.
“2.2.1 A candidate must consent to the nomination.”
3. Add a provision allowing candidates to be nominated if not present.
“2.2.2 If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.”
4. Add a section permitting a candidate to address the board after being nominated including the amount of time.
“2.4.1 At the close of nominations, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed four (4) minutes in duration.”
5. Consider including a section that specifies how the election is to be conducted by secret ballot if the meeting is held electronically.
“2.4.2 For elections that take place while a meeting is being held by electronic or other communication facilities, if voting by secret ballot is not practical, Board Members may place their vote by way of an individual, confidential phone call to the Corporate Officer.”
6. Delete s. 2.8 and amend s. 2.7 to add the words “or more” in between
“two...candidates.”

iii. Part 3 - Meetings

a. Regular Board Meetings – Date, Time and Place

3.1 No later than the last board meeting in November, the Corporate Officer shall provide an annual schedule of regular board meetings for the upcoming year, including the date, time and place of meetings, and meetings shall be held accordingly unless otherwise determined by resolution of the Board.

3.1.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of regular board meetings at the posting place.

3.1.2 In the case of regular board meetings conducted as Electronic Meetings, advance public notice must include:

(a) the way in which the Electronic Meeting will be conducted; and

(b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.1.3 In the event of a change to a regular board meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place

Comments:

The Ministry/LGMA Guide notes the following with respect to providing notice of regular meetings:

Legislative Requirements – LGA s. 225(1)(b) and (c)	Metro Vancouver Procedure Bylaw
Provide advance public notice of the date, time and place of board meetings and establish the procedures for giving notice	s. 3.1
Identify places to be public notice posting places	s. 1.2
Best Practices	
May provide notice in accordance with the <i>Community Charter</i> s. 94 public notice requirements of the availability of the schedule of regular meetings at least once a year in the public notice posting places	
Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules	s. 3.1.3
Identify whose role it is to post notice to the public notice posting places	s. 3.1.1
Provide how the public may access the meeting remotely, if available.	s. 3.1.2

Unlike municipalities, regional districts are not required to provide annual notice of the schedule of regular meetings in accordance with s. 94 of the *Community Charter*, however, it is recommended that a regional district do so. The Bylaw provides for the posting of an annual schedule of meeting at the posting place including providing advance notification of whether the meeting is to be conducted by electronic means. The Bylaw also includes procedures in the event of any changes to the regular schedule or how the meeting is to be conducted.

The procedure bylaws that were reviewed include similar provisions.

Schedule of Meetings

Most of the procedure bylaws reviewed indicate the date, time and place for the meetings, e.g. on the 1st and 3rd Monday of the month at 7:00 pm in the Council Chambers unless otherwise resolved by Council.

The Bylaw does not specify the date, time or place for time board meetings but requires the Corporate Officer to provide an annual schedule before the end of November in each year. This schedule is then posted in the public notice posting places.

Included in the annual schedule are “special” meetings to deal with one specific item only such as the budget. Because these meetings form part of the annual schedule, it has been asked whether these meetings are considered “special” or “regular” meetings. The distinction is important to determine the order of business as set out in section 5.1.

A special meeting is a board meeting other than a regular or statutory meeting and are typically held to address specific items outside of the regular meeting schedule. The Ministry website states:

- *A council or board may choose to schedule special meetings at budget time to allow members to focus solely on their review of the municipality or board’s proposed financial plan.*
- *Councils and boards may choose to hold special meetings to debate important development projects or the implications of major events to the municipality or regional district.*

Additional notice requirements are required for special meetings.

Because these meetings are scheduled in advance and form part of the annual schedule, it could be argued that they are a regular meeting and therefore the Order of Business for regular meetings would apply. Legal review may be required in this instance to ensure the meeting is not challenged.

Cancelled or Rescheduled Meetings

The Bylaw does not include provision on how a meeting may be cancelled or rescheduled. The majority of the procedure bylaws that were reviewed include a process on who and how a meeting may be cancelled or rescheduled such as:

- Council resolution
- Mayor may request
- Corporate Officer may in consultation with the Mayor

Recommendations:

1. Add a new section before 3.1.3 as follows:

“Regular board meetings may:

- (a) Be cancelled by a majority vote of the Board;
- (b) Be postponed to a different day, time and place by the Chair, provided that the Corporate Officer is given at least two days written notice;
- (c) Be cancelled, postponed or rescheduled by the Corporate Officer in consultation with the Chair and Chief Administrative Officer

OR

“The regular Board meeting schedule may be altered from time to time by resolution of the Board and with advance public notice.”

b. Regular Committee Meetings – Date, Time and Place

3.2 As soon as possible after the Board Chair has established committees, the Corporate Officer shall establish an annual schedule of committee regular meetings including the date, time, and place of the meetings and provide the annual schedule of committee regular meetings to each member of each committee.

3.2.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of committee regular meetings at the posting place.

3.2.2 In the case of regular committee meetings conducted as Electronic Meetings, advance public notice must include: (a) the way in which the Electronic Meeting will be conducted; and (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.2.3 A committee Chair may call additional meetings, or cancel a meeting, change the date, time, or place of a regular meeting where circumstances require.

3.2.4 In the event of a change to a regular committee meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place

Comments:

The Ministry/LGMA Guide notes the following with respect to providing notice of committee meetings:

Legislative Requirements – LGA s. 225(1)(b) and (c)	Metro Vancouver Procedure Bylaw
Provide advance public notice of the date, time and place of board meetings and establish the procedures for giving notice	s. 3.2
Identify places to be public notice posting places	s. 1.2
Best Practices	
Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules	s. 3.2.3 & s. 3.2.4
Identify whose role it is to post notice to the public notice posting places	s. 3.2.1
Provide enough notice time for the public to be aware of committee meetings	s. 3.2
Provide written notice of committee meetings to each committee member	s. 3.1.3
Post regularly scheduled committee meeting dates, times and locations in the public notice posting place	s. 3.2.1
Provide how the public may access the meeting remotely, if available.	s. 3.2.2

Recommendations:

No changes required.

c. Special Meetings – Calling and Conduct

3.3 Pursuant to section 220 [Calling of special board meetings] of the Act, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members, by notice mailed to each member at least five days before the date of the meeting to the address given by each member to the Corporate Officer for that purpose.

3.4 The notice shall state the general purpose of the meeting and the day, time and place of the meeting, as well as whether the meeting is to be conducted as an Electronic Meeting or an In-Person Meeting.

3.4.1 In the case of Special Meetings conducted as Electronic Meetings, notice must include:
(a) the way in which the Electronic Meeting will be conducted; and
(b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.5 The notice of any special meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

3.6 In an emergency, notice of a special meeting may be given with the consent of the Chair and two members, less than five days before the date of the meeting, and notice of the meeting does not need to be given in writing.

Special Meeting – Advance Public Notice

3.7 At least one working day before a special meeting the Corporate Officer must give advance public notice of the day, hour and place of the meeting by way of a notice posted at the posting place.

3.8 Section 3.7 does not apply when notice to the members has been waived under section 3.5 or given under section 3.6 and it is otherwise impractical to provide the advance public notice under section 3.7

Comments:

A special meeting is a board meeting other than a regular or statutory meeting and are typically held to address specific items outside of the regular meeting schedule. Examples include review of the proposal financial plan or a major project.

New Provisions:

New Public Notice Posting Requirements were recently introduced and as such the notice for special board meetings as outlined in section 220 of the *Local Government Act* has been amended to include the same requirements as that of municipalities under section 127 of the *Community Charter*. See Section 5 of this report for further information on the new Public Notice Posting Requirements.

This means that notice of a special board meeting must be given at least 24 hours before the time of the meeting by:

- Posting a copy of the notice at the regular board meeting place
- Posting a copy of the notice at the public notice posting place; and
- Leaving one copy of the notice for each board member at the place where the member has directed that notice be provided (this can be by email).

The notice must include the date, time and place of the meeting and describe in general terms the purpose of the meeting. The notice must be signed by the chair or corporate officer. Notice of the meeting may be waived by unanimous consent.

In addition to the above, the Ministry/LGMA Guide notes the following with respect to public notice of special meetings:

Legislative Requirements – LGA s. 220, s. 222 and <i>Regional District Special Voting Regulation B.C. Reg 41/91</i>	Metro Vancouver Procedure Bylaw
On the request of the chair or two directors, the Corporate Officer must call a special meeting	s. 3.3
The Corporate Officer must provide notice of the special meeting to each director by mail at least five days before the meeting date	s. 3.3 – to be amended

Notice must state the general purpose, date, time and place of the meeting	s. 3.4 including whether the meeting will be held in person or electronically
Notice of a special meeting may be waived by unanimous vote of all directors; and	s. 3.5
In the case of an emergency, with consent of the chair and two directors, notice of a special meeting may be given less than five days before the date of the meeting and does not have to be written	s. 3.6
Best Practices	
Outline a process to provide public notice of special meetings	s. 3.3
If the special meeting notice requirements are waived by the board, clearly document the reasons in the minutes and try to provide some notice to board members and the public	

Recommendations:

1. Amend s. 3.3 as follows:

"Pursuant to the Act, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members at least 24 hours in advance by posting a copy of the notice at the regular board meeting place and public notice posting places, and by leaving one copy for each member at the place given by each member to the Corporate Officer for that purpose."

2. Add new subsection 3.4.2 as follows:

"3.4(a) The notice of special meeting must be signed by the Chair or Corporate Officer."

3. Delete section 3.7 – redundant with amended section 3.3 and new section 3.4.1

4. Amend section 3.8 by replacing reference to 3.7 with section 3.4.

d. Electronic Meetings

3.6.1 A meeting may be conducted as an Electronic Meeting or an In-Person Meeting.

3.6.2 Electronic Meetings must abide by the rules established by Board policies pertaining to Electronic Meetings

e. In-Person Meetings

3.6.3 Subject to Section 3.6.4, certain meetings throughout the calendar year may be determined to require in-person attendance by members, when:

- (a) established as In-Person Meetings on the annual Board and committee schedules referred to in Part 3;*
- (b) carried by resolution of the Board or committee; or*
- (c) given the nature of one or more items on the agenda, the Chair determines in-person attendance as a requirement, subject to members being provided with seven (7) of*

advance notice of the requirement to attend in person. The advance notice of any change of a scheduled meeting to an In-Person Meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

3.6.4 If the Chair determines that Unsafe Conditions exist that have the potential to cause risk to the health and/or safety of members scheduled to attend an In-Person Meeting, then notwithstanding Section 3.6.3, the Chair may permit members to participate by means of electronic or other communication facilities.

Comments:

Previously, the *Local Government Act* s. 221 and *Regional District Electronic Meetings, B.C. Reg. 271/2005* only permitted special board meetings to be held electronically provided they were permitted by bylaw.

Ministerial Order M192 authorized all meetings and public hearings to be conducted electronically during the pandemic. M192 expired on September 28, 2021. Since then the *Local Government Act* has been amended to permit all a board or committee meetings to be conducted by electronic means, including members of the board who wish to participate electronically. Should a local government choose to allow for electronic meetings, provisions must be included in their procedure bylaw.

The “Guidance for Adapting to the New Electronic Meetings Framework” document prepared by the Ministry of Municipal Affairs notes that while electronic meetings may be a useful tool for board in certain circumstances, they should not be a substitute for all in-person meetings. Boards may want to consider under what circumstances to allow electronic meetings in their community.

The Ministry/LGMA Guide notes the following with respect to electronic meetings and participation:

Legislative Requirements – LGA s. 221, <i>Regional District Electronic Meetings B.C. Reg. 271/2005</i>	Metro Vancouver Procedure Bylaw
Authorized in the procedure bylaw	s. 3.6.1
Provide notice of the way in which the meeting is to be conducted and the place where the public may attend the electronic meeting	s. 3.1.2, s. 3.2.2, s. 3.4.1
Provide a location for the public to attend	s. 3.1.2, s. 3.1.3, s.3.2.2
Facilities that enable the meeting’s participants and the public to hear, or watch and hear, each other	s. 3.1.2, s. 3.1.3, s. 3.2.2
Attendance of a designated officer at the meeting;	
The meeting must be conducted in accordance with the procedure bylaw.	
Best Practices	
Develop guidelines to assist with electronic meeting process	Board Policy
Allow for electronic meetings in the event meeting in person is impractical or impossible or in the event of an emergency	
Outline a process to follow if there is equipment failure or loss of quorum during an electronic meeting	Board Policy – tech issues only

Consider how to deal with declarations of conflict of interest or closed meeting issues	Board Policy
---	--------------

Metro Vancouver Board Policy No. GV-037 sets out the procedures for the administration of, and participation at, electronic Board and committee meetings.

While the Bylaw and the Policy are clear in that they permit electronic meetings, it is not clear if a hybrid approach is permitted, i.e. some members participating electronically while others attend in-person.

The following legislated requirements items do not appear to be included in the Bylaw:

- The requirement for a designated officer to be present at the meeting at the place where the public can attend; and
 - Note: This does not appear to be a requirement for electronic committee meetings.
- That the meeting be conducted in accordance with the procedures set out in the Bylaw.

In addition, the sections referring to electronic and in-person meetings are placed in between the Special meeting sections. As such, it is not clear if all meetings, regular and special, of the Board can be held electronically or if it is only limited to special meetings.

Recommendations:

1. Amend section 3.6.3(c) by adding the word “days” after “seven (7)”.
2. Amend section 3.1.2 and s. 3.4.1 by adding (c) as follows:
“(c) The designated officer who must be in attendance at the specified place shall be the Corporate Officer or designate.”
3. Amend section 3.6.2 by adding the phrase “the Procedure Bylaw and” after the phrase “abide by the rules established by...”.
4. Move sections 3.6.1 to 3.6.4 after section 3.1 to clarify the applicability of those sections to all regular and special meetings of the Board and committees.

f. Attendance of Public at Meetings

3.9 Pursuant to section 226(1)(a) [Board proceedings: application of Community Charter] of the Act and section 89 [open meetings] of the Charter, a meeting must be open to the public, except as provided in section 3.10.

Requirements before meeting is closed

3.10 As provided in section 92 [Requirements before meeting is closed] of the Charter, before holding a meeting or part of a meeting that is to be closed to the public, the Board or committee must state, by resolution passed in a public meeting, (a) the fact that the meeting or part is to be closed, and (b) the basis under the applicable subsection of section 3.11 on which the meeting or part is to be closed

Comments:

The Ministry/LGMA Guide notes the following with respect to the attendance of public at meetings:

Legislative Requirements – LGA s. 226(1)(a), CC s. 89	Metro Vancouver Procedure Bylaw
Meetings must be open to the public unless the subject matter relates to one of the items listed in the closed meetings section of the legislation.	s. 3.9
Bylaws must only be read and voted on in open meetings	s. 12.9
A resolution to close a meeting must be passed in the open part of a meeting and include the basis for that closure.	s. 3.10

Recommendation:

1. Move section 3.10 under section 3.11 Meetings that may or must be closed to the public.

g. Meetings that may or must be closed to the public

3.11 As provided in section 90 [Meetings that may or must be closed to the public] of the Charter:

- (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - (a) 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;
 - (b) 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;
 - (c) labour relations or other employee relations;
 - (d) the security of the property of the municipality;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the municipality;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#);
 - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could

- reasonably be expected to harm the interests of the municipality if they were held in public;*
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];*
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;*
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);*
- (o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.*
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:*
- (a) 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;*
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;*
- (c) a matter that is being investigated under the [Ombudsperson Act](#) of which the municipality has been notified under section 14 [Ombudsperson to notify authority] of that Act;*
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.*
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.*

Comments:

There are certain circumstances where a board meeting may or must be closed to the public by resolution. The Ministry/LGMA Guide notes that prior to adjourning a closed meeting, it is best practice to determine if any of the decisions made during the meeting could be made public by agreeing to “rise and report” at the next regular meeting.

The Provincial Guide notes the following with respect to closed meetings:

Legislative Requirements – LGA s. 226(1)(a) & s. 205(1)(d), CC. s. 90	Metro Vancouver Procedure Bylaw
A resolution to close a meeting must be passed in an open meeting	s. 3.10
The resolution must outline the applicable subsection of section 90 of the <i>Community Charter</i> for which the meeting is to be closed	s. 3.10(b)
Best Practices	
Provide that when an item arises during a closed meeting, which in the opinion of the board, do not meet the criteria to be held in a closed meeting, it be referred to an open meeting or to staff	
Provide public notice of closed meetings	

In the agenda, include the applicable subsection of the <i>Community Charter</i> under which the meeting or part of the meeting is being closed and a general description of the item to be discussed without compromising the reason for closing the meeting	
---	--

Recommendations:

1. Replace this section with:
“3.11 A meeting, or part of a meeting, may or must be closed to the public only if the matter falls under section 90 of the Charter.”
2. Move section 3.10 under section 3.11 Meetings that may or must be closed to the public.

h. Other Persons Attending Closed Meetings

3.12 As provided in section 91 [Other persons attending closed meetings] of the Charter:

- (1) If all or part of a meeting is closed to the public, the Board or committee may allow one or more regional district officers and employees to attend or exclude them from attending, as it considers appropriate.*
- (2) If all or part of a meeting is closed to the public, the Board or committee may allow a person other than regional district officers and employees to attend,*
 - (a) in the case of a meeting that must be closed under section 3.11 (2), if the Board or committee considers this necessary and the person*
 - (i) already has knowledge of the confidential information, or*
 - (ii) is a lawyer attending to provide legal advice in relation to the matter, and*
 - (b) in other cases, if the Board or committee considers this necessary.*
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.*

Comments:

The Ministry/LGMA Guide notes the following with respect to attendance at closed meetings:

Legislative Requirements – LGA s. 226(1)(a) & CC s. 91	Metro Vancouver Procedure Bylaw
Minutes of closed meetings must include the names of all attendees (boards may have some limited discretion as to who may attend a closed meeting).	s. 3.12(3)

Section 3.12 of the Bylaw is a duplicate of s. 91 of the *Community Charter* which also applies to regional districts. It specifies applicability of the section to the Board and committees therefore for clarity, it may be beneficial to not make any substantial changes to this section.

Recommendation:

1. Section 3.12 – delete specific reference to legislation.

i. Meetings and Hearings Outside Regional District

3.13 As provided in section 224 [Meetings and hearings outside regional district] of the Act, the following meetings may take place outside the boundaries of the regional district:

- (a) board meetings;*
- (b) committee meetings;*
- (c) other public meetings conducted by or on behalf of the Board or a board committee;*
- (d) board hearings that are required by law or authorized by an enactment; and*
- (e) board proceedings in which a person is entitled under the Act to make representations to the Board*

Comments:

The Ministry/LGMA Guide notes the following with respect to meetings held outside the regional district boundaries:

Legislative Requirements – LGA s. 224	Metro Vancouver Procedure Bylaw
Boards may by bylaw allow for meetings or other proceedings to be held outside boundaries	s. 3.13

This section is required to permit meetings and hearing to be held outside of the regional district boundaries.

Recommendation:

1. Section 3.13 – delete specific reference to legislation.

j. Duty to Respect Confidentiality

3.14 Pursuant to section 117 [Duty to respect confidentiality] of the Charter, a member or former member must, unless specifically authorized by the Board or committee:

- (a) keep in confidence any record held in confidence by the regional district, until the record is released to the public as lawfully authorized or required, and*
- (b) keep in confidence information considered in any part of a meeting that was lawfully closed to the public, until the Board or committee discusses the information at a meeting that is open to the public or releases the information to the public.*

Comments:

The Ministry/LGMA Guide notes the following with respect to the duty to respect confidentiality:

Legislative Requirements – LGA s. 205(1)(d) & CC s. 117(1)(b)	Metro Vancouver Procedure Bylaw
Board members must keep information from closed meetings confidential until such a time the board decides the information can be released or discussed at an open meeting.	s. 3.13

While this section is a duplication of s. 117 of the *Community Charter* and in the absence of a Code of Conduct, it may be beneficial to keep this section in the Bylaw as stated

Recommendations:

1. Section 3.14 – delete specific reference to legislation

k. Corporate Officer to Attend

3.15 The Corporate Officer shall attend all meetings and record the business, proceedings and reports thereof.

Comments:

Because the Corporate Officer is unable to attend all meetings, the Bylaw should specify that their designate, i.e. Deputy or committee clerk, may attend on their behalf.

Recommendation:

1. Section 3.15 - Add “or their designate” after “Corporate Officer”.

iv. Part 4 - Quorum

a. Chair to Preside at Meetings

4.1 The Chair, if present, shall preside at all meetings. In the absence of the Chair from a meeting, the Vice Chair shall preside.

4.1.1 In the absence of both the Chair and Vice Chair, the Corporate Officer shall call the meeting to order and call for a motion from the members present to appoint a member to preside as acting Chair pursuant to section 215(3) of the Act.

Comments:

The Ministry/LGMA Guide notes the following with respect to the duty to the chair presiding at meetings:

Legislative Requirements – LGA s. 215(3) & s. 216(2)(c)	Metro Vancouver Procedure Bylaw
The chair is to preside at board meetings when in attendance	s. 4.1
The same rules and powers apply to the vice chair in the absence of the chair	s. 4.1
If the chair and vice chair are not present the directors present must elect an acting chair	s. 4.1.1

Some of the procedure bylaws that were reviewed included procedures in the event the Chair or Vice Chair showed up after the meeting has commenced.

Recommendations:

1. Consider adding a section 4.1.2 as follows:
"If the Chair or Vice Chair arrives after commencement of a meeting at which an acting chair is presiding, he or she shall preside on arrival."

b. Quorum

4.2 A quorum of the Board is a majority of all the directors having among them a majority of all the votes and a quorum of a committee is a majority of the members appointed to that committee.

4.2.1 If a quorum is not present within thirty minutes after the time established for a meeting, the Corporate Officer shall record the names of the members present and the meeting shall stand adjourned.

4.2.2 As soon after the hour of meeting as there shall be a quorum present the Chair will call the meeting to order.

Comments:

The Ministry/LGMA Guide notes that “quorum is the minimum number of members that must be present to make the considerations of a meeting valid.” It is necessary for a quorum at board meetings to ensure agenda items are properly considered by the elected officials. For regional districts, the quorum is determined in accordance with s. 18 of the *Interpretation Act*.

The Ministry/LGMA Guide notes the following with respect to quorum:

Best Practices	Metro Vancouver Procedure Bylaw
Provide a specific time period to wait for board members to arrive.	s. 4.2.1
Corporate officer records the names of those members present	s. 4.2.1
Include a procedure for adjourning the meeting until the next meeting date or until another meeting is held if quorum is not met for the current meeting	s. 4.2.1
Include a clause that sets out the quorum requirements for committees	s. 4.2

The time periods to wait for members varies in the procedure bylaws from 15-30 minutes. The Bylaw notes a time of 30 minutes.

Recommendations:

No change required.

v. Part 5 – Order of Business

a. Order of Business

5.1 Unless otherwise determined by resolution of the Board or committee, the order of business for meetings shall be as follows:

5.1.1 For board regular meetings:

- (a) Adoption of the Agenda*
- (b) Adoption of the Minutes*
- (c) Delegations*
- (d) Invited Presentations*
- (e) Consent Agenda*
- (f) Items Removed from the Consent Agenda*
- (g) Reports from Committee or Chief Administrative Officer (not included on the Consent Agenda)*
- (h) Motions for Which Notice Has Been Given*
- (i) Other Business*
- (j) Business Arising from Delegations*
- (k) Resolution to Close Meeting*
- (l) Rise and Report (Items Released from Closed Meeting)*
- (m) Adjournment or Conclusion.*

5.1.1.1 Subsections 5.1.1(e), (f), and (k) do not apply to a board regular closed meeting.

5.1.2 For committee regular meetings:

- (a) Adoption of the Agenda*
- (b) Adoption of the Minutes*
- (c) Delegations*
- (d) Invited Presentations*
- (e) Reports from Committee or Chief Administrative Officer*
- (f) Information Items*
- (g) Other Business*
- (h) Business Arising from Delegations*
- (i) Resolution to Close Meeting*
- (j) Adjournment or Conclusion.*

5.1.2.1 Subsection 5.1.2(i) does not apply to a committee regular closed meeting.

5.1.3 For special board or committee meetings:

- (a) Adoption of the Agenda*
- (b) Reports from Committee or Chief Administrative Officer*
- (c) Resolution to Close Meeting*
- (d) Rise and Report (Items Released from a Board Closed Meeting)*
- (e) Adjournment or Conclusion.*

5.1.3.1 Subsection 5.1.3(c) does not apply to special board or committee closed meetings.

5.1.3.2 Subsection 5.1.3 (d) does not apply to committees.

b. Addition of Agenda Items by a Member

5.2 At a meeting, a member may, at the time adoption of the agenda is being considered, propose to place an additional item on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

5.2.1 Notwithstanding section 5.2, after the meeting agenda has been adopted, a member may propose to place an item of an urgent matter on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

Comments:

The Ministry/LGMA Guide notes the following with respect to order of business and agendas:

Best Practices	Metro Vancouver Procedure Bylaw
Include a standard order of business for regular, closed and special meetings.	s. 5.1
Provide a time frame and method for acceptance of agenda items and whether/how late items may be added	
Provide a reasonable time frame for how far in advance agendas are provided to the board, staff and the public	
Indicate whether members will receive a hardcopy or electronic versions of the agenda	
Outline where regularly scheduled meeting agendas are available to the public (e.g. public notice posting places or website)	s. 3.1.1
Provide a procedure for how a board member can bring forward an item of business that is not on the agenda and how it is dealt with – Notice of Motion	s. 5.2 and Part 9

The Order of Business section in the Bylaw sets out the order for board regular meetings, committee regular meetings and special meetings. It does not address the order of business for a closed meeting.

The Order of Business is specific to each local government and includes both similar and different sections.

Rise and Report:

The Order of Business for both the regular and special meetings includes a “Rise and Report” section for the release of items from a Closed Meeting.

Rise and report means to report publicly the decisions of the Board made in a closed meeting. While some of the items discussed in a closed session must remain confidential, there are some items that should be released once the decision has been made in order for staff to act on them or items that overtime, no longer need to remain confidential.

Examples of decisions that can be released immediately include appointments to a committee. Other decisions that may be released over time include a land acquisition once the negotiations have been completed and the purchase has been finalized.

Inclusion of this section allows for the Board to take a more proactive approach to releasing items that no longer remain confidential to the public.

Agenda

Unlike the majority of the procedure bylaws reviewed, the Bylaw does not include an “Agenda” section that sets out the responsibility for compiling agenda, typically the Corporate Officer. It also does not include a time frame and method for accepting agenda items from the public, staff or board members. The Bylaw does address how a member may add an item to the agenda at the meeting.

The Bylaw also does not address how far in advance the agendas should be made available to the board and public.

Recommendations:

1. Add an Agenda section as follows (from CRD Bylaw):
“5.0 The Corporate Officer, under the direction of the Chair, shall prepare an agenda and shall circulate a copy of the agenda to each member at least four(4) days before the meeting. If necessary, a supplementary agenda for a meeting of the Board will be circulated at least 24 hours before the meeting.”

c. Minutes

5.3 As provided in sections 223 (1) [Minutes of board meetings] and 223 (2) [Minutes of a board committee meeting] of the Act:

(1) Minutes of board meetings must be

- (a) legibly recorded,*
- (b) certified as correct by the Corporate Officer, and*
- (c) signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted; and*

(2) Minutes of a committee meeting must be (a) legibly recorded, and (b) signed by the Chair or member presiding at the meeting.

Comments:

The legislation requires minutes to be taken for open and closed board and committee meetings.

The Ministry/LGMA Guide notes the following with respect to minutes:

Legislative Requirements – LGA s. 223	Metro Vancouver Procedure Bylaw
Regional district board meeting minutes must be legibly recorded, certified as correct by the designated regional district officer and signed by the chair or acting chair at the meeting or at the next meeting at which they are adopted.	S. 5.3
Copies of board minutes must be made available to the public.	
Best Practices	
Outline where the minutes of all open meetings are posted for the public (e.g., public notice posting places and/or website)	
In the procedure bylaw, provide a reasonable timeframe or refer to a policy for when the draft minutes are available to the board, staff and the public before the next regular meeting.	
Provide a reasonable time from for provision of the certified minutes to the board and the public	
If appropriate establish alternate procedures for minute taking for commissions and other bodies, e.g. allow for less formal methods of record-keeping that may be more cultural appropriate	
Refer to the applicable policy for administrative fixes to allow the corporate officer to make minor corrections to the certified minutes, such as minor typos and sequential numbering errors.	

The Bylaw does not include a provision that states the board minutes must be made available to the public. In addition, the Bylaw does not include any of the best practice provisions noted above.

Some of the procedure bylaws include a provision to allow for the Corporate Officer to make minor corrections to the minutes after they have been approved such as correcting typos and grammatical errors.

Recommendations:

1. Amend section 5.3 :
 - a. removing the specific reference to the legislation; and
 - b. Adding “(d) made available to the public.”
2. Consider adding a section 5.3.1 as follows:

“The Corporate Officer may, after the minutes have been approved, correct errors in grammar, spelling, and punctuation in the minutes or may insert words necessary to the meaning or continuity of a sentence, but must not make any other change to the minutes which would alter or affect, in a material way, the actual decision made by the Board.”

d. Consent Agenda

5.4 The consent agenda portion of a board agenda shall consist of staff or committee report items that contain clear 'take action, give approval, or receive for information' recommendations.

5.5 Directors may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a board agenda.

5.6 At any time prior to the vote under section 5.5, a director may for the purposes of: (a) debate or discussion, (b) voting in opposition to a recommendation on the consent agenda, or (c) declaring a conflict of interest with respect to an item on the consent agenda, request that an item be removed from the consent agenda. The item will be considered immediately after the consideration of the consent agenda

Comments:

Local governments with extensive agendas such as the Metro Vancouver agenda, may implement a process for putting items on a consent agenda to increase efficiency. Items typically included in the consent agenda include non-controversial items where no further debate is required. Members may separate out an item from the consent agenda if they wish to discuss the matter further or vote against the item.

Metro Vancouver implemented the consent agenda in 2014 and more than half of the procedure bylaws utilize a consent agenda.

Recommendations:

No changes required.

e. Adjourn

5.7 A meeting which has been in session for four hours from the time the meeting was convened is deemed to be adjourned unless the Board or committee resolves to extend the meeting.

5.7.1 Notwithstanding section 5.7, a motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding shall have been taken.

Comments:

It may be necessary to clarify the intent of section 5.7.1 with respect to "no second motion to the same effect shall be made." It is felt that the intent is that in the event to adjourn fails, members are not permitted to put the same motion on the floor until additional business has taken place. This prevents a member for trying to advance an action that is not the will of the majority.

Recommendations:

1. Section 5.7.1 – add the words "if said motion fails" after "shall always be in order..."

vi. Part 6 – Keeping Order

a. Expelling a Person

6.1 The Chair may expel a person from a meeting as provided in section 133 [expulsion from meetings] of the Charter as follows:

- (a) If the Chair considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.*
- (b) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order*

b. Use of Audio or Video Recording Devices

6.2 No person shall use or operate any audio and or video recording devices at a meeting unless audio and or video recording devices are placed in a location designated by the Chair for that purpose and remain in that location during the course of the meeting.

6.2.1 Notwithstanding section 6.2, audio and or visual recording devices must not be used or operated during a closed meeting unless expressly permitted by the Board or committee.

c. Points of Order

6.3 The Chair shall preserve order and decide all points of order which may arise.

d. Appeal

6.4 Any decision of the Chair made under Section 6.3 may be appealed by a member and on an appeal by a member from the decision of the Chair, the question shall be immediately put by the Chair and decided without debate, "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present excluding the Chair.

6.4.1 In the event of the votes being equal, the question shall pass in the affirmative.

6.4.2 The names of the members voting for or against the question shall be recorded in the minutes.

6.4.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Board or committee shall immediately appoint a member to preside temporarily and the member so temporarily appointed shall proceed in accordance with Section 6.4 and Subsections 6.4.1 and 6.4.2..

6.5 Any resolution or motion carried under the circumstances mentioned in Section 6.4.3 is as binding as if carried out with the Chair presiding

Comments:

The Ministry/LGMA Guide notes that the legislation sets out the roles of regional district directors including:

- Accountability of boards through meetings and procedures
- Public engagement processes; and
- Rules to guide the deliberations of elected officials

Legislative Requirements – LGA s. 215, s. 216, s. 226(1)(b) and s. 226(3)	Metro Vancouver Procedure Bylaw
Presiding member must preserve order and decide on points of order	s. 6.3
If a member appeals the decision of the presiding member, the question of whether the presiding members' decision will stand must be asked by the presiding member and voted on without debate and without the presiding member voting.	s. 6.4, s. 6.4.1 & s. 6.5
If the presiding member refuses to ask the question appealing the presiding members' decision the board must appoint another member to act as presiding member temporarily	s. 6.4.3
If the expelled person does not leave a peace officer may enforce the order	s. 6.1(b)
Best Practices	
Discuss and decide what "acting improperly" means for the board, staff and public and how it will be captured in the procedure bylaw	
Provide expectations for board member behaviour in the conduct and debate section of the procedure bylaw: <ul style="list-style-type: none">• Respectful language and conduct• A reasonably length of time a board member can speak on a matter• Use of electronic devices at meetings• Restrict debate to the motion on the floor	s. 7.2 s. 7.1
Connect existing policies that are related to the responsibilities of board members, such as social media policies and codes of conduct into the procedure bylaw	
Make provision for a member who has been expelled to apologize and, by resolution of the board, provide them to retake their seat at the meeting	
Outline how the conduct and debate section applies to public delegations and invited presenters	

Audio and Video Recording:

Very few of the procedure bylaws that were reviewed included a section regarding the use of audio or video recording devices. Given the ability for cellphones to record, both audio and video, this section may no longer be relevant for the most part. Where this section could be useful is for the media or others in attendance with larger recording devices.

Other procedure bylaws include a specific section that no recording devices may be used in closed meetings.

You may wish to retain this section in its entirety so that it is very clear what is permitted.

Appeal:

Section 6.4 could be amended to clarify the intent of "Shall the Chair be sustained?" The common term in Robert's Rules of Order is "Shall the decision of the Chair be sustained?"

Additional Sections for Consideration:

This Part of the Bylaw does not include any provisions regarding the following which are sections in most of the procedure bylaws that were reviewed.

- Respectful language and conduct
- Making provision for a member who has been expelled to apologize, and by resolution of the board, provide them to retake their seat at the meeting
- Outline how the conduct and debate section applies to public delegations and invited presenters.

Recommendations:

1. Amend s. 6.1 by deleting specific reference to legislation.
2. Amend sections 6.4 and 6.4.3 by inserting the words “decision of the” be inserted in the phrase “Shall the Chair be sustained?”
3. Add new section 6.0 as follows:
“6.0 Members speaking at a Board or committee meeting must:
 - (a) Use respectful language;*
 - (b) Not use offensive gestures or signs;*
 - (c) Must not engage in bullying or harassing behaviour;*
 - (d) Must adhere to the rules of procedures established under this Bylaw and to the decisions of the presiding member and the Board in connection with the rules and points of order.”*
4. Add new sections 6.1.1. and 6.1.1.1 as follows:
“6.1.1 If a person who has contravened the general rules of conduct as set out in section 6.0, the presiding member may permit the person to apologize and if the member does so apologize, the presiding member may:
 - (a) Permit the person to remain in the meeting; or*
 - (b) Order the person to leave the meeting immediately if the presiding member is of the opinion that the apology was inadequate.*
6.1.1.1 Section 6.1.1 applies to delegations and invited presenters.”

(Note: Language could be included in the above to require a Board resolution to allow the person to remain and/or leave the meeting.)

vii. Part 7 - Debate

7.1 Where there is a motion under debate a member shall not speak other than on that motion under debate and the matters relating to that motion as set out in Section 8.2.

7.2 No director shall speak on any question for longer than three minutes without leave of the Chair.

7.2.1 Section 7.2 does not apply to committees.

7.3 Any member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

7.4 No director shall speak more than once to the same motion without leave of the Chair except:

- (a) in explanation of a material part of his or her speech which may have been misunderstood, provided in doing so that director does not introduce any new matter, and no debate shall be allowed upon such explanation; or*
- (b) in reply by a director who moved the substantive motion to the Board, but not to any director who has moved an amendment or a non substantive motion.*

7.4.1 Section 7.4 does not apply to committees.

7.5 If, during debate on a motion, a motion to refer or defer that motion is put while there remain members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such motion of deferral or referral until those on the list of speakers for the first motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the motion to defer or refer and, receiving an affirmative response, shall call the question on such motion.

7.6 At any time during debate on a motion, a director may move "That the vote on the motion be called" and that motion shall be decided without amendment or debate. If the motion "That the vote on the motion be called" is adopted by at least two thirds vote of the members present, the motion consequent thereon shall be immediately called and voted upon without further debate or amendment.

7.6.1 Section 7.6 does not apply to committees.

Comments:

Section 7.4(b) refers to a 'substantive' motion; a term used in the Standing Orders of the Legislative Assembly. A substantive motion is also known as a "main motion" which is a term more commonly used in local government.

It is not clear what a "non-substantive" motion is; it could be interpreted as a "secondary motion" defined as follows by Robert's Rules of Order:

- Subsidiary motion – applies directly a pending main motion, e.g. amend, refer, postpone etc.
- Privileged motion – related to the comfort of the assembly and that are so important that they may interrupt pending business and decided on immediately without debate, e.g. motion to adjourn while a motion is under consideration.
- Incidental motion – generally deal with procedures, e.g. Point of Order

Recommendations:

1. Amend section 7.4(b) by replacing the word "substantive" with "main" in the first instance and with "secondary" in the second instance.

viii. Part 8 - Motions

8.1 A motion shall be made and seconded before being debated or finally put by the Chair.

8.2 When a motion is under debate it is deemed to be in possession of the Board or committee and no motion shall be received unless to amend it, to refer it, to table it, to defer it, to withdraw it, to adjourn, or to call the question

a. Amendments

8.3 Amendments shall be voted on in the reverse order to that in which they are moved.

8.3.1 Every amendment submitted shall, when requested by any member, be reduced to writing and be decided upon or withdrawn before the main question is called.

8.3.2 Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion

b. Referral

8.4 A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

c. Chair Determines Contrary to Rules

8.5 When the Chair is of the opinion that a motion put before the Board is contrary to the rules of the Board or committee, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances

Comments:

Section 8.2 refers to subsidiary motions that would be permissible when a motion is under debate. One of the subsidiary motions that is noted is “to defer” more commonly known as a “motion to postpone to a certain time.”

Recommendations:

1. Amend section 8.2 by replacing the word “defer” with the phrase “postpone it to a certain time.”

ix. Part 9 – Notice of Motion

9.1 Any director desiring to bring before the Board any new matter, other than a point of order or of privilege, shall do so by way of motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and shall be dealt with as provided by Section 9.1.1.

9.1.1 Any director may give notice of a motion to the Board by:

- (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or*
- (b) providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.*

Comments:

The Ministry/LGMA Guide notes the following with respect to Notice of Motion:

Best Practices	Metro Vancouver Procedure Bylaw
<p>Provide a procedure for how a board member can bring forward an item of business that is not on the agenda and how it is dealt with – commonly referred to as a Notice of Motion:</p> <ul style="list-style-type: none">• May be made in writing to the corporate officer• Whether the motion needs to be seconded by another member of the board• Provided to the corporate officer in advance of the meeting by a certain timeline• If the notice of motion is made during a meeting it is added to the agenda of the next regular board meeting, or the agenda of a special board meeting for that purpose;• Inclusion of background materials• Whether consideration of the notice of motion is postponed if the member who introduced it is not present at the meeting and it is on the agenda, unless they have provided written consent	Part 9
<p>Provide that the board can proceed with a notice of motion on the agenda if the member adding the item is not present if the majority of the board resolves to proceed.</p>	

Section 9.1 indicates that a director who wishes to bring forward a “new matter” may be required to provide a notice of motion. “New matter” is not defined and could be deemed as an item that has never been before the Board or an item that is not currently on the meeting agenda. Clarification of this section is required.

The procedure bylaws that were reviewed require a Notice of Motion for matters that are:

- A new matter
- Resulting from an agenda item or other business that is not listed as Council action
- Any matter that is not listed on the agenda to Council for consideration

The Bylaw does not include a provision as to whether the Notice of Motion may proceed in the absence of the mover. Some of the procedure bylaws include such a provision.

Recommendations:

1. Amend section 9.1 by replacing “any new matter” with “a matter that is not listed on the meeting agenda.”
2. Consider adding a new section 9.2 as follows:
“9.2 A Notice of Motion may not proceed in the absence of the mover, unless the mover has provided the Corporate Officer with written notification that the Notice of Motion may proceed in their absence.”

x. Part 10 – Reconsideration, Rescission of a Resolution

a. Chair May Propose Board Reconsideration of a Matter

10.1 Notwithstanding section 5.2, as provided in 217 [Chair may require board reconsideration of a matter] of the Act and section 131 [Mayor may require council reconsideration of a matter] of the Charter, the Chair may require Board reconsideration of a matter as follows:

- (1) Without limiting the authority of a Board to reconsider a matter, the Chair may require the Board to reconsider and vote again on a matter that was the subject of a vote.*
- (2) In exercising the power under subsection (1), the Chair may return the matter for reconsideration at the meeting of the Board following the original vote.*
- (3) A matter may not be reconsidered under this section if*
 - (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board, or*
 - (b) there has already been a reconsideration under this section in relation to the matter.*
- (4) On a reconsideration under this section, the Board (a) must deal with the matter as soon as convenient, and (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.*
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.*

b. Director, Other than the Chair, May Propose Board Reconsideration of a Matter

10.2 After a vote has been taken on any motion, a director (except the Chair), who voted with the majority for or against that resolution may, at the regular meeting of the Board following the original vote, introduce a motion to reconsider that resolution in accordance with section 5.2 or section 9.1 (b).

c. General provisions for board reconsideration

10.3 When a motion to reconsider has been presented, no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.

10.4 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

d. Rescission/Amendment of a Previously Decided Resolution

10.5 At a board meeting, any director may at any time introduce a motion to rescind or amend a previously decided resolution which has been adopted in the affirmative or negative in accordance with section 5.2 or section 9.1 (b), and at a committee meeting, any member may do so in accordance with section 5.2.

10.5.1 Notwithstanding section 10.5, a member may at any time introduce a motion to rescind or amend a previously decided resolution if the motion is made at the same meeting as the previously decided resolution.

10.5.2 Notwithstanding section 10.5, a motion to rescind or to amend a resolution is not in order under the following circumstances:
(a) If some action integral to the resolution now being rescinded or amended has been taken as a result of the previous decision and that action is impossible to undo; or
(b) If the resolution is so intimately connected with another resolution that the resolution cannot be considered as a distinct proposition.

Comments:

The Ministry/LGMA Guide notes the following with respect to reconsideration:

Legislative Requirements – LGA s. 217	Metro Vancouver Procedure Bylaw
A chair may require the board to reconsider and vote again on a matter that was the subject of a vote	s. 10.1(1)
A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted or it has already been reconsidered by the board	s. 10.1(3)
The matter under reconsideration must be dealt with as soon as convenient, and the board has the same authority it had in its original consideration of the matter	s. 10.1(4)
If the original decision to adopt a bylaw or resolution is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed	s. 10.1(5)
Best Practices	
Following procedure rules referenced in the procedure bylaw, provide that a director who voted with the majority either for or against to put forward a motion for reconsideration	s. 10.2
Include the process and circumstances under which reconsideration would be permitted by other board members, similar to those required of the chair	s. 10.2
Provide a specific time from for when a motion could be reconsidered, typically at the same meeting as the vote took place	s. 10.2
Notice of motion to be required and seconded by another member	
Number of times the item can be reconsidered within a specific time period, typically once	
Matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the regional district	

The Ministry/LGMA Guide notes that at times, the Board may wish to bring back a decision for reconsideration due to new information that has been brought forward or a motion that has been defeated. The legislation allows for the chair to bring a decision back for reconsideration, with some restrictions as noted in the Bylaw.

A director must be authorized by bylaw, to bring a matter back for reconsideration.

It was unclear whether section 10.2 applies to committees as it is not specifically noted. Section 14.1 – Conduct of business for Committees however, notes that Part 10 of the Bylaw applies to the Committees.

Section 10.5 references a director may introduce a motion to rescind or amend a previously decided resolution adopted in the affirmative or negative in accordance with section 5.2 or 9.1(b). It seems the section references may be incorrect as section 5.2 refers to the addition of an agenda item by a member and section 9.1(b) does not exist.

Restriction on Matters that can be Reconsidered:

In addition to items listed in s.10.1(3), the Ministry/LGMA Guide recommends including the following restriction:

- Matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the regional district.

This restriction applies for a motion to rescind or amend some a previously decided resolution (s. 10.5.2) but it does not apply to a reconsideration motion.

The same restrictions noted in 10.1(3) should apply to Directors who propose Board reconsideration of a matter (s. 10.2).

Number of Times a Matter can be Reconsidered:

The Bylaw does not limit the number of times an item can be reconsidered. Some of the procedure bylaws limit reconsideration of the same motion for a period of 6 months or a year.

Recommendations:

1. Amend section 10.1 by removing specific reference to the legislation.
2. Amend section 10.5 by correcting the reference to sections of the Bylaw.
3. Consider amending section 10.1(3) by adding:
“(c) some action integral to the resolution to be reconsidered has been taken as a result of the previous decision and that action is impossible to undo.”
4. Consider adding new section 10.2.2 and 10.5.3 as follows:
“10.2.2 If a motion to reconsider is defeated, the same or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.”

“10.5.3 If a motion to rescind or amend a previously decided resolution is defeated, the same motion or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.”

xi. Part 11 - Voting

a. Tie Vote

11.1 In all cases where the votes of the members present and entitled to vote, including the vote of the Chair, are equal for and against a question, the question shall be declared in the negative, and it shall be the duty of the Chair or other member presiding to so declare.

11.1.1 Any member then present who abstains from voting shall be deemed to have voted in the affirmative.

b. Recorded Vote

11.2 At a board meeting, a director may call for a recorded vote, and if so called, the Corporate Officer shall record in the minutes the names of each director present, the manner in which that director has voted, and the number of votes assigned to such director.

11.2.1 Section 11.2 does not apply to committees.

c. Distinct Propositions

11.3 When the motion under debate contains several parts, each of which is capable of standing as a complete proposition if the others are removed, a separate vote upon each such proposition shall be taken if requested by any member.

d. Members Attendance for Vote

11.4 Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a member has declared a conflict of interest.

e. Conflict of Interest

11.5 Pursuant to section 100 [Disclosure of conflict] of the Charter, if a member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has (a) a direct or indirect pecuniary interest in the matter, or (b) another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.

11.5.1 After making a declaration under section 11.5, the member must not do anything referred to in section 101 (2) [Restrictions on participation if in conflict] of the Charter.

11.5.2 As an exception to section 11.5.1, if a member has made a declaration under section 11.5 and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may (a) return to the meeting or attend another meeting of the same body, (b) withdraw the declaration by stating in general terms the basis on which the member

has determined that he or she is entitled to participate, and (c) after this, participate and vote in relation to the matter.

11.5.3 For certainty, a member who makes a statement under section 11.5.2 remains subject to section 101 [Restrictions on participation if in conflict] of the Charter.

11.5.4 When a declaration under section 11.5 or a statement under section 11.5.2 is made, (a) the Corporate Officer must record in the minutes the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room and, if applicable, of the member's return, and (b) unless a statement is made under section 11.5.2, the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

11.5.5 Pursuant to section 101 [Restrictions on participation if in conflict] of the Charter, if a member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 11.5, the member must not: (a) remain or attend at any part of a meeting referred to in section 100 (1) [Disclosure of conflict] of the Charter during which the matter is under consideration, (b) participate in any discussion of the matter at such a meeting, (c) vote on a question in respect of the matter at such a meeting, or (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

Comments:

Section 11.5 – Conflict of Interest – is a duplication of the legislation. One third of the procedure bylaws that were reviewed include similar language in their procedure bylaws. While it is not recommended that legislation be duplicated in a procedure bylaw, you may wish to retain this section for clarity and in the absence of a Code of Conduct.

Recommendations:

1. Consider deleting section 11.5 in its entirety OR delete reference to specific legislation in sections 11.5, 11.5.1, 11.5.3 and 11.5.5.

xii. Part 12 - Bylaws

12.1 Bylaws shall be read and adopted in accordance with section 225 [Procedures, bylaws and enforcement] of the Act.

a. Copies of Proposed Bylaws

12.2 Every proposed bylaw shall be in written form before it is considered by the Board and a copy shall be provided to each director when it is under discussion.

b. Introduction, Reading and Adopting Bylaws

12.3 Every proposed bylaw shall be introduced by motion.

12.4 A proposed bylaw may be debated or amended at any time during the first three readings unless prohibited by the Act.

12.5 A bylaw shall be deemed to be read when its title or bylaw number is stated.

12.6 Every proposed bylaw must be given first, second and third reading before it is passed and finally adopted.

12.7 Every proposed bylaw may be introduced and given first, second and third readings at the same meeting by one motion for all three readings.

12.8 A separate motion that a proposed bylaw be passed and finally adopted must be made at a subsequent meeting, except that as provided in section 228 of the Act, a bylaw that does not require approval, consent or assent under the Act or any other act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least two thirds vote of the directors present.

12.9 As provided in section 89 [Open meetings] of the Charter, a Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

c. Certification and Storage

12.10 When a bylaw is read at a board meeting, the Corporate Officer shall certify the readings and dates at the end of such bylaw. After a bylaw has been adopted the Corporate Officer shall be responsible for its correctness, including any amendments.

12.11 Every bylaw which has been adopted by the Board shall be signed without delay by the Chair and the Corporate Officer, sealed with the seal of the Board, and retained by the Corporate Officer for safekeeping.

12.12 After their adoption by the Board, all bylaws shall be filed in their regular order and shall have an index prepared for the same.

d. Repeal of a Bylaw

12.13 The repeal of any bylaw or part of any bylaw shall not, unless a contrary intention appears, revive any bylaw or Part thereof not in force or existing at the time at which a bylaw takes effect or prevent the effect of any saving clause therein.

Comments:

As noted in the Ministry/LGMA Guide, boards may only make decisions by bylaw or resolution. In some cases the legislation specifies that the local government power can only be exercised by bylaw. The legislation requires that the procedure bylaw include the manner in which resolutions may be passed and bylaws adopted (LGA s. 225(1)(a)).

The Ministry/LGMA Guide highlights the following regarding Bylaws and Resolutions:

Legislative Requirements – LGA s. 207, s. 225, s. 226, s. 227, s. 228, s. 465	Metro Vancouver Procedure Bylaw
Before a bylaw is adopted it must be given three readings	s. 12.6
A bylaw must may be given up to three readings in one meeting	s. 12.7
There must be at least one full day between third reading and the adoption of a bylaw with the following exceptions: <ul style="list-style-type: none">• OCP and zoning bylaws may be adopted at the same meeting as third reading provided the bylaw does not require Provincial approval; and• Regional district bylaws that do not require approval, consent or assent before they are adopted may be adopted at the same meeting as third reading, if the motion for adoption receives at least 2/3 of the votes cast	s. 12.8
Bylaws that require the approval of Cabinet, a Minister, the Inspector of Municipalities or the electors must receive Provincial approval between third reading and adoption in a specified sequence	s. 12.8
If a public hearing is required for a land use bylaw, the hearing must be held after first reading and before third reading	
Once the bylaw is adopted, the chair at the meeting where the bylaw was adopted, and the corporate officer must sign the bylaw	s. 12.11
Best Practices	
Outline how a resolution or bylaw may be introduced at a meeting	s. 12.3
Provide the corporate officer with a written copy of a notice of motion bringing forward a bylaw or resolution before a meeting	
Provide a copy of the proposed bylaw or resolution being introduced to each member at least 24 hours before the meeting	s. 12.2 (no time limit)
Provide that a motion to waive the 24 hours requirement may be passed by unanimous vote of all board members	
Allow for the corporate officer to consolidate one or more of the regional district bylaws for official use	
Refer to an administrative fix policy to allow the corporate officer to make minor corrections to bylaws at third reading and adopted bylaws, such as spelling mistakes and sequential numbering errors;	
Provide that an adopted and signed copy of the bylaw be kept on record	s. 12.11, s. 12.12

Bylaws Subject to a Public Hearing:

The Bylaw does not provide for when a bylaw that is subject to Public Hearing shall be referred to Public Hearing. Many of the procedure bylaws make this reference.

Application of Corporate Seal to Bylaws:

Section 12.11 states the bylaw should be “sealed with the seal of the Board.” Use of the corporate seal is no longer a legislated requirement and more of a corporate practice. Approximately 1/3 of the local governments included in this review continue to seal their bylaws.

Given this is no longer a legislated requirement and may pose a legal challenge to the bylaw in the event the seal was inadvertently missed from being applied to the bylaw, you may wish to consider removing this from the Bylaw.

Recommendations:

1. Amend sections 12.1 and 12.8 by deleting specific reference to the legislation.
2. Add new section 12.7.1 as follows:
“12.7.1 Bylaws that require statutory public hearings prior to their adoption shall be read for the first and second time only at a Board meeting prior to the holding of the public hearing.”
3. Amend section 12.11 by deleting the phrase “sealed with the seal of the Board,”

xiii. Part 13 - Delegations

a. General Provisions

13.1 No person, persons or organization shall appear as a delegation more than once to the same agenda item except to introduce new and material information.

13.2 Each delegation shall be limited to a maximum time of five minutes to make a presentation to the Board or a committee unless otherwise determined by leave of the Chair.

13.2.1 The Board or committee shall be limited to a maximum of five minutes in which to direct questions to the respective delegation unless otherwise determined by leave of the Chair.

13.3 Each delegation:

(a) may provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee and board agenda package; and

(b) may provide the Corporate Officer with a copy of the delegation's complete presentation and other relevant background material for the record.

13.4 The subject matter upon which a delegation wishes to speak must: (a) be within the jurisdiction of the regional district; and (b) be within the terms of reference of the committee for which the delegation wishes to appear.

13.4.1 A request to appear as a delegation at a Council of Councils Committee will not be accepted unless a meeting of the Councils of Council's Committee has been called for the express purpose of hearing delegations on a matter.

13.4.2 A request to appear as a delegation at a board or committee meeting will not be accepted if it relates to a public procurement process for the provision of goods, services or construction for Metro Vancouver Regional District between the time that such procurement process has been posted and the time any resulting contract or proposal call has been awarded, or other final decision made.

b. Regular Delegation - Committee

13.5 Any person, persons or organization wishing to appear as a regular delegation before a committee shall submit a written request to the Corporate Officer at least seven working days prior to the scheduled meeting.

13.5.1 The written request must stipulate: (a) the subject matter upon which the delegation wishes to speak; (b) the name of the designated speaker; and (c) the specific action which is being requested of the committee by the delegation.

13.5.2 Each delegation may, at least seven working days before a scheduled meeting, provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee agenda package.

13.5.3 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.5.4 The delegation appearance and the subject of the delegation will be included on the meeting agenda.

c. Late Delegation - Committee

13.6 Any person, persons, or organization who deems their interests to be affected by a report on a committee agenda and who, because of circumstances, could not have been expected to give earlier notice pursuant to section 13.5, may request to appear as a late delegation before the committee by submitting a written request, before the meeting is convened, to the Corporate Officer, stipulating:

- (a) the circumstances preventing the delegation from giving earlier notice;*
- (b) how the delegation's interests are affected by a report on a committee agenda;*
- (c) the name of the report that the delegation wishes to speak to;*
- (d) the name of the designated speaker; and*
- (e) the specific action which is being requested of the committee by the delegation.*

13.6.1 The Corporate Officer shall advise the committee Chair of the late delegation request and circulate the written request and the executive summary, if available, to the committee members on table at the committee meeting.

13.6.2 The committee shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the late delegation request as an additional item on the agenda in accordance with section 5.2.

d. Delegation – Board

13.7 Any person, persons or organization who deems their interests to be affected by a report on a board agenda may request to appear as a delegation before the Board by submitting a written request to the Corporate Officer no later than forty-eight hours prior to the scheduled board meeting stipulating: (a) how the delegation's interests are affected by a report on a board agenda; (b) the name of the report that the delegation wishes to speak to; (c) the name of the designated speaker; and (d) the specific action which is being requested of the Board by the delegation.

13.7.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.7.2 The Corporate Officer shall advise the Board Chair of the delegation request and circulate the written request and the executive summary, if available, to the Board members on table at the board meeting.

13.7.3 The Board shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the delegation request as an additional item on the agenda in accordance with section 5.2.

13.8 Any person, persons or organization who wishes to appear before the Board with respect to an emergency matter may, before the meeting is convened, request the Chair to grant approval to the person, persons, or organizations to appear before the Board, by clearly demonstrating the emergency nature of the request. The Chair shall not be obliged to grant approval of any such late delegation request unless the Chair is satisfied that the nature of the emergency prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board.

e. Invited Presentation – Board or Committee

13.9 The Chair may, under exceptional circumstances, invite a person, persons, or organizations to make a presentation to the meeting. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.

13.9.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the designated speaker of the date, time and place of the meeting at which the designated speaker is scheduled to appear.

Comments:

Boards may establish rules in their procedure bylaw to allow speakers to present to the board and/or committees. Specific requirements are not included in the legislation and it is up to each local government to establish their own procedures. The reviewed procedure bylaws included many similar and differing procedures for their respective local government.

The Ministry/LGMA Guide highlights the following regarding delegations:

Best Practices	Metro Vancouver Procedure Bylaw
Outline in the procedure bylaw how the conduct provisions of the procedure bylaw apply to public delegations and presentations	Proposed new section
Establish the section of a meeting when the public will be permitted to address the board	s. 5.1
Communicate a process to the public for how to address the board at meetings and include: <ul style="list-style-type: none"> The process for a member of the public to request to speak at a meeting Information required from the public in advance of the meeting (if any) Time frame for submissions for inclusions on the agenda Limits on the frequency and length of presentations by delegations How request to address the board are handled by the corporate officer How many presentations or delegations may be heard per meeting and whether more may be added by resolution during the meeting 	Part 13 ss. 13.5, 13.6 ss. 13.3, 13.5.1, 13.5.2, 13.7.1, ss. 13.5, 13.7 ss. 13.1, 13.2 ss. 13.5.3, 13.7.1

<ul style="list-style-type: none"> Whether someone may replace the person or delegation who requested to speak How the speaking order of presentations or delegations is determined Expectations around respectful conduct; and How disrespectful conduct is managed 	
Outline what the public may speak to and restrictions on certain topics at meetings	ss. 13.4, 13.4.2
If a topic comes before the board that might affect the financial or operational plan allow for it to be referred to staff for a report before it is considered by the board	
If a new request to address the board is received at a meeting, provide an option for the presenter to address the board if approved by the unanimous vote of the members present	ss. 13.6, 13.8
Provide an option for written submissions for those who are unable or do not want to speak at a meeting	
Ask delegations to specify what they are seeking from the board	ss. 13.5.1, 13.6(e), 13.7(d)
Clearly state that items of a time sensitive nature may be heard first by the board	
Provide alternate ways for the public to provide input on agenda topics	

Appearing More than Once to the Same Item:

Section 13.1 states that a delegation cannot appear as a delegation more than once to the same agenda item. It is not clear how agenda item is defined, e.g. is the “agenda item” restricted to that same meeting or does it also apply when that same matter appears on a future agenda? This should be clarified for transparency.

Copies of Presentations:

Section 13.3 notes that the current practice is to include in the committee and board agenda packages an executive summary of up to two pages. Delegations are invited to provide a copy of their complete presentation for the record (s. 13.3(b)). Staff have advised this is not in keeping with current practice of records management related to the Board agenda. Some options to consider around filing the complete presentation are:

- with the written request from the delegation
- with a copy of the complete Board package
- with the agenda item it is addressing

Restrictions:

Staff asked that further restrictions on what a delegation may not address the Board about be considered in addition to those already noted in section 13.4.2. Some of the procedure bylaws that were reviewed include the following additional restrictions:

- if it relates to a bylaw for which a public hearing has already been held and where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
 - Applicants submitting delegation requests prior to the bylaw’s public hearing will be advised that Council will accept a written submission

- If it relates to a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Metro Vancouver Labour Relations Association Board.
- An item that is before the courts or on which the Board has authorized legal action
- A matter in respect of which the Regional District-led public consultation process is planned or in progress
- The promotion of commercial projects or services
- The promotion of a political party or of a candidate for elected office
- Publicly tendered contracts or proposal calls for the provision of goods and services for the Regional District, between the time that such contract or proposal call has been authorized and the time that such a contract or proposal call has been awarded; either by the Board or staff
- Any matter on which the delegate has already spoken to the Board and where no new significant information is provided
- Individuals or organizations that have previously appeared during the annual quarter (Jan – Mar, April – June, July – Sept, Oct – Dec) unless the individual or organization is statutorily authorized to be heard by the board, or required by law to be heard by the Board
 - The submission has not been made to the Board in the last 12 months
- Applications, permits or licenses not yet considered by the Board
- Information considered in closed meetings, unless the information has been released
- A request for access to information under FOI
- Compliance with regional district bylaws or policies
- Requesting financial assistance of any kind
- In relation to any potential or current development application

Maximum Number of Delegations

There are currently no restrictions on the number of delegations at a meeting in the Bylaw, i.e. maximum of three. The standard number in most of the procedure bylaws is three per meeting. This has not been identified as an area of concern but staff may wish to consider including a maximum number.

Late Delegation – Emergency Matter

Section 13.8 allows a delegation to request to appear before the Board on “an emergency matter” and forego the deadline to request to appear as a delegation

The *Emergency Program Act* defines an emergency as follows:

"emergency" means a present or imminent event or circumstance that

(a) is caused by accident, fire, explosion, technical failure or the forces of nature, and

(b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property;"

The intent of this section may be to allow for a delegation to speak to an item that is timely or urgent in nature rather than an emergency as technically defined. Section 5.2.1 allows a member to propose to place an “item of an urgent matter on the agenda” and requires a 2/3 vote of the members present.

Recommendations:

1. (a) Amend section 13.1 by replacing “agenda item” with “subject matter”; and
(b) Consider adding a time frame for which a delegation can return to speak to the same matter.
2. Amend section 13.3(b) in keeping with the current records management practices of the Regional District.
3. Consider amending section 13.4.2 to add additional restrictions on items a delegation can speak to.
4. Consider adding a maximum number of delegations that can appear at a meeting.
5. Amend section 13.8 by replacing the word “emergency” with “urgent” or “urgent matter” as applicable.

xiv. Part 14 - Committees

a. Conduct of Business

14.1 Committees shall conduct business under the rules of procedure as set out in Parts 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 as the context requires and unless otherwise provided.

b. Appointment of Select and Standing Committees

14.2 Select and standing committee appointments may be made pursuant to section 218 [Appointment of select and standing committees] of the Act as follows:

- (1) A board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.*
- (2) The Chair may establish standing committees for matters the Chair considers would be better dealt with by committee and may appoint persons to those committees.*
- (3) Subject to subsection (4), persons who are not directors may be appointed by the board to a select committee or by the Chair to a standing committee.*
- (4) A majority of the members of a committee, except the Council of Councils' Committee and the Committee responsible for the Regional Economic Prosperity Service, shall be directors.*

c. Membership

14.3 The Board Chair and Board Vice Chair shall be ex-officio members of all standing committees but shall not be entitled to vote, and shall not constitute quorum.

d. Voting

14.4 At a committee meeting, a member of a committee shall have one vote only.

e. Matters Referred to Committee by the Board

14.5 A committee shall consider and report respectively within the time period established by the Board, on every matter referred to it by the Board and the committee Chair shall raise the matter before the Board.

14.5.1 Any committee member shall have the right to submit a minority report.

14.5.2 Where delegations are heard by a committee, the committee's report to the Board shall include the committee recommendation, notification of the appearance of delegations, and a synopsis of the delegations submissions to the committee.

14.5.3 No action of any committee shall be binding on the Board unless the committee has delivered its report to the Board and the Board has adopted such action.

Comments:

The Ministry/LGMA Guide notes the following with respect to Committees:

Legislative Requirements – LGA s. 226(1)(a)-(c), CC, Part 4: Div 3, s. 145, s. 282(2)(c), s. 97	Metro Vancouver Procedure Bylaw
Open and closed meeting rules and the rules around expulsion from meetings apply to other bodies;	s. 14.1
The rules established by procedure bylaw for taking minutes apply to meetings of commissions or other bodies, unless the procedure bylaw provides other procedures for minutes of other bodies	s. 14.1
The record of minutes for other bodies must be available for public inspection unless the meeting has been closed to the public	
Best Practices	
<p>In most cases, applying existing board meeting procedures will be the simplest approach. There may be reasons for the board to establish customized rules of procedure for commissions and other bodies, for example:</p> <ul style="list-style-type: none">• In some communities there may be advantages to establishing rules for a staff member other than the corporate officer to have overall responsibility for commission meeting minutes; or• it may be appropriate to establish procedures that allow any member of the board to participate in discussions and debate (not vote) in a commission meeting	s. 14.3 (ex-officio)

Matters Referred to Committee by the Board:

Section 14.5 states that the committees shall consider and report in the time period established on items referred to them by the Board. It is not clear if this includes staff reports that have been forwarded for the committee's recommendation prior to Board consideration. The way in which the section is currently written could imply that any staff reports would first need to be considered by the Board before being referred to the committee. This could be challenging from an operational perspective.

Recommendations:

1. Amend section 14.2 by deleting the specific reference to the legislation.
2. Amend section 14.5 by adding the phrase "including staff reports" after the phrase "referred to it by the Board".

4. ADDITIONAL SECTIONS FOR CONSIDERATION

In addition to some of the additional sections already noted in the report, staff may wish to consider adding the following sections to the Bylaw if applicable:

- i. *Procedures for Council of Councils Committee:*
Many of the procedure bylaws include a section for procedures related to Committee of the Whole
- ii. *Communications/Correspondence:*
Some of the procedure bylaws include procedures on how written correspondence will be managed, i.e. included with the agenda package, circulated to Council for information only etc.

5. PUBLIC NOTICE REQUIREMENTS

The *Community Charter* and *Local Government Act* required local governments to provide advance public notice for certain matters of public interest such as public meetings, elections, public hearings etc.

New public notice requirements came into effect in February 2022 amending section 94 of the *Community Charter* and adding new sections 94.1 and 94.2. The Ministry of Municipal Affairs developed the following document outlining the changes to section 94 of the *Charter* and options for local governments: [Public Notice Guidance Materials: For B.C. Local Governments](#)

The new legislation gives local governments two options to provide public notice:

1. continue to use the default publication requirements to publish in a newspaper once a week for two consecutive weeks, s. 94.1; or
2. Adopt a public notice bylaw to provide for alternative methods of publication, s. 94.2.

The two options are summarized below.

Option 1 – Default Publication Requirements for Public Notice (s. 94.1)

The default publication provision requires a local government to:

- Publish notice in a newspaper that circulates to the community once each week for two consecutive weeks.
- If publication by newspaper is not possible, notice may be provide by alternative means as determined by the Board such as direct mail or posting to a community bulletin board. Notice must be given within the required time period and frequency as set out in the *Charter*. It is recommended that the Board provide a rationale for use of alternative means and that this rationale be documented in the minutes.

Option 2 – Bylaw to Provide for Alternative Methods of Publication (s. 94.2)

If a local government regularly uses alternative means to provide notice as outlined above, they may wish to adopt a public notice bylaw so that the public consistently knows where to find the public notices.

If a public notice bylaw is adopted, then the local government must publish notice by all methods specified in the bylaw for all public notices and must also post the notice to the public notice posting places.

The bylaw must also:

- Specify at least two methods of notice (e.g. newspaper and website). Note: this does not include the public notice posting place so if your website is referenced in the public notice posting place, an alternative second method must be identified.
- Consider the principles of effective public notice (reliable, suitable and accessible) as outlined in the [Public Notice Regulation](#) before adopting the bylaw.

Under the public notice bylaw, the notice must be published at least seven days before the matter for which notice is required is being considered.

In addition to the bylaw, a local government may wish to adopt a public notice policy that would:

- Set out additional methods of public notice in addition to the required notices
- The additional methods that could be used if directed by the Board
- Allow for a public notice e- mail subscription service for residents to sign-up for
- Note the specific name of the primary newspaper to be used if not included in the bylaw along with alternative newspapers that would be used if the primary newspaper is not available
- How notice will be provided to First Nations communities
- Set out records management practices for public notices.

Application to Regional Districts

Public Notice Bylaw:

Because regional districts encompass large areas with a mix of rural and urban needs, finding a method of public notice that is suitable for all will be challenging. One approach suggested in the Guidance document is for the regional district to specify methods that are consistent with the principles of effective public notice and are widely available within the region, e.g. the website and Facebook. It is then recommended that a policy be adopted that specifies additional methods to be used for different electoral areas and municipalities.

Procedure Bylaw:

Previously when a procedure bylaw was amended, repealed or substituted, notice was required to be mailed to each director five days before the meeting at which the amendment was to be introduced. Section 225 of the *Local Government Act* has been amended to require that notice be given in accordance with s. 94 of the *Community Charter*.

The Guidance document does not recommend that the public notice bylaw be combined with the procedure bylaw as keeping the information separate makes it more accessible to the public. Reference can be made in the procedure bylaw to the public notice bylaw if applicable.

In addition, any changes to the public notice bylaw do not require the same notification requirements as for an amendment to the procedure bylaw.

Special Meetings:

The notice for special board meetings as outlined in section 220 of the *Local Government Act* has been amended to include the same requirements as that of municipalities under section 127 of the *Community Charter*.

This means that notice of a special board meeting must be given at least 24 hours before the time of the meeting by:

- Posting a copy of the notice at the regular board meeting place
- Posting a copy of the notice at the public notice posting place; and
- Leaving one copy of the notice for each board member at the place where the member has directed that notice be provided (this can be by email).

The notice must include the date, time and place of the meeting and describe in general terms the purpose of the meeting. The notice must be signed by the chair or corporate officer. Notice of the meeting may be waived by unanimous consent.

Publication in a Newspaper:

The *Local Government Act* has been amended to remove the reference to “publication in a newspaper” and replaced with the requirement to publish notice in accordance with section 94 of the *Community Charter*. All local governments now that the same requirements and options for public notice. Page 12 of the Guidance document details the sections of the *Local Government Act* that have been amended to remove reference to publication in a newspaper.

In addition, regional districts are now required to also post notice in the public notice posting place. Metro Vancouver includes a definition of public notice posting place in the Bylaw.

6. RESPONSIBLE CONDUCT OF LOCALLY ELECTED OFFICIALS

The Working Group on Responsible Conduct (WGRC), a staff level committee with membership from UBCM, LGMA and the Ministry of Community, Sport and Cultural Development (CSCD) was formed in 2016 to undertake research and policy work on the framework and approaches related to conduct. The [Policy Report](#) was endorsed by UBCM in September 2017.

The WGRC identified and defined four [Foundational Principles](#) to guide the conduct of individual elected officials as well as councils and board.

A [Model Code of Conduct](#) was developed to that sets out shared principles and standards of conduct to help local governments get started on developing a code of conduct. A [Companion Guide](#) was also developed to facilitate council/board conversations to develop a code of conduct.

In addition to the above, the WGRC developed a guide, [Forging the Path to Responsible Conduct in your Local Government](#), about fostering responsible conduct, maintaining good governance, resolving conduct issues informally and the essentials of code of conduct enforcement.

In June 2022, the *Community Charter* was amended to include new sections 113.1 and 113.2 that now require a board, within six months after its first regular meeting following a general local election to decide whether to establish a code of conduct or review an existing code of conduct. Before making a decision, the Board must consider the prescribed principles for codes of conduct, consider the other prescribed matters and comply with the prescribed requirement regarding public notice or consultation. The Lieutenant Governor in Council may make regulations regarding the above.

Should the Board decide not to establish a code of conduct, it must make available to the public, on request, a statement explaining the reasons for its decision. The Board must then reconsider their decision before January 1 in the year of the next general local election and consider the same principles and prescribed matters noted above.

The member jurisdictions that have an established Code of Conduct for their Council and/or committees include:

- Village of Anmore:
 - [Council Code of Conduct](#)
 - [Council Committees' Code of Conduct](#)
- Village of Lions Bay [Council Code of Conduct](#)
- City of Maple Ridge [Council Code of Conduct](#)
- District of North Vancouver [Council Code of Ethics](#)
- City of Pitt Meadows [Council Code of Conduct](#)
- City of Port Moody [Council Code of Conduct](#)
- City of Surrey [Council Code of Conduct](#)
- City of Vancouver [Council Code of Conduct](#)
- City of White Rock [Code of Conduct for Committee Members](#)

Other regional districts that have an established Code of Conduct include:

- Cariboo Regional District [Code of Conduct and Ethics](#)
- Regional District of Central Okanagan [Board Code of Conduct](#)
- Comox Valley Regional District [Board Code of Conduct](#)
- Cowichan Valley Regional District [Code of Conduct for Elected Officials Policy](#)
- Regional District of Nanaimo Board Code of Conduct
- Regional District of Okanagan-Similkameen [Board Code of Ethics](#)
- qathet Regional District [Board Code of Conduct](#)
- Squamish-Lillooet Regional District [Board Code of Conduct](#)

7. APPENDICES

Appendix A: Procedure Bylaw Review Project Scope

Appendix B: “Procedure Bylaw Guide: For B.C.’s Local Governments” (the “Ministry/LGMA Guide”) - Ministry of Municipal Affairs and Local Government Management Association (LGMA): [Procedure Bylaw Guide: For B.C.'s Local Governments](#)

Appendix C: “Guidance for Adapting to the New Electronic Meetings Framework” – Ministry of Municipal Affairs: [Guidance for Adapting to the New Electronic Meetings Framework \(gov.bc.ca\)](#)

Appendix D: “Public Notice Guidance Materials: For B.C. Local Governments” – Ministry of Municipal Affairs: [Public Notice Guidance Materials: For B.C. Local Governments](#)

Appendix E: Public Notice Regulation B.C. Reg. 52/2022: [Public Notice Regulation \(gov.bc.ca\)](#)

Appendix F: Responsible Conduct of Locally Elected Officials: [Responsible conduct of locally elected officials - Province of British Columbia \(gov.bc.ca\)](#)

Appendix G: Member jurisdictions and other Regional District Procedure Bylaws:

- [Village of Anmore Procedure Bylaw No. 541-2016](#)
- [Village of Belcarra Council Procedure Bylaw No. 593.2021](#)
- [Bowen Island Municipality Council Procedure Bylaw No. 529, 2020](#)
- [City of Burnaby Procedure Bylaw No. 11714, 2004](#)
- [City of Coquitlam Council Procedure Bylaw No. 5200, 2022](#)
- [City of Delta Council Procedure Bylaw No. 5000, 2000](#)
- [City of Langley Council Procedure Bylaw, 2021, No. 3193](#)
- [Township of Langley Council Procedure Bylaw 2016, No. 5199](#)
- [Village of Lions Bay Council Procedures Bylaw No. 476, 2015](#)
- [City of Maple Ridge Council Procedure Bylaw No. 7799-2021](#)
- [City of New Westminster Council Procedure Bylaw No. 6910, 2004](#)
- [City of North Vancouver Council Procedure Bylaw, 2015, No. 8500](#)
- [District of North Vancouver Council Procedure Bylaw 7414](#)
- [City of Pitt Meadows Council Procedure Bylaw No. 2834, 2019](#)
- [City of Port Coquitlam Council and Committee Procedures Bylaw, 2015, No. 3898](#)
- [City of Port Moody Council Procedure Bylaw, 2015, No. 3013](#)
- [City of Richmond Council Procedure Bylaw No. 7560](#)
- [City of Surrey Council Procedure By-Law No. 15300](#)
- [City of Vancouver Procedure By-Law No. 12577](#)
- [District of West Vancouver Council Committee Procedure Bylaw No. 5020, 2019](#)
- [City of White Rock Council and Committee Procedure Bylaw, 2021, No. 2393](#)
- [Capital Regional District Board Procedures Bylaw, 2012, No. 3828](#)
- [Fraser Valley Regional District Board and Committee Procedures Bylaw No. 1600, 2020](#)

PROCEDURE BYLAW REVIEW Project Scope

Prepared by: Chris Plagnol

Date: 2002 March 28

BACKGROUND

The current *Procedure Bylaw* (Bylaw 1205) was adopted in 2014, and has been amended six (6) times since then to respond to changing circumstances. Staff are aware of additional revisions that could benefit the proceedings of the board and its committees, and are aware of new statutory requirements that must be considered, as well. As a result, an overall review of the *Procedure Bylaw* at this time is warranted.

For reasons that are not entirely clear, the board requested a complete review of the *Procedure Bylaw*. It is assumed that the driver for the review was related to delegation provisions. At its meeting held February 25, 2022, the board passed the following resolution:

That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.

This document outlines the scope of effort to conduct a comprehensive review.

APPROACH

It is recommended that staff engage a local government consultant with expertise in local government corporate administration (ideally corporate officer experience in a regional district) and with experience with local government meeting procedures.

SCOPE

The review of the Procedure Bylaw will comprise three (3) parts, as outline below. Given the regional district is a federation of 23 jurisdictions, the review should be all encompassing including local rules in use at municipal councils as set out in their Procedure Bylaws.

1. Prepare a gap analysis to compare with existing authorities
 - LGMA-Ministry of Municipal Affair Bylaw Guidelines
 - Local Government Act and Community Charter – select provisions
 - Bill 26 Provisions, notably consideration of “code of conduct” and “modernized notice”
 - Roberts Rules of Order or similar meeting rules authority – select provisions
 - Member Jurisdictions’/ other Regional Districts’ Procedure Bylaws and Codes of Conduct
 2. Identify options for changes:
 - keep status quo (no change),
 - insert a new provision,
 - remove an irrelevant provision, and
 - revise an existing provision (with one or more proposed options).
 3. Present recommendations
 - Prepare recommendations in a written report for consideration by staff. Still will comment, seek clarification, and prepare, as appropriate, for committee and board (in such a way to foster discussion and feedback) consideration
-

- Consultant may, as requested by staff, present to the committee
- Further, it is expected that the recommendation will include:
 - a net new bylaw (repealing previous)
 - adopt a plain language writing style

TASKS AND EFFORT

Tasks

1. review existing Procedure Bylaw
2. meet with CO to discuss project
3. meeting with staff to identify known issues with the bylaw
4. develop gap analysis grid, with all PB provisions.
5. review existing provision (about 50) against the following and include on gap grid:
 - a. LGMA-Ministry Guidelines
 - b. LGA-CC Provisions – Selected Only
 - c. Bill 26 Provisions
 - d. Industry Standard Rule Authorities (ie. RONR) – Selected only
 - e. Member Jurisdictions' select Regional Districts' Procedure Bylaws and Codes of Conduct
Note: about 21+ jurisdictions
6. identify options for change, if any, on the gap grid.
7. prepare summary of recommendations for change (based on the gap analysis)
8. Present to committee (if requested)

SCHEDULE

This project must be undertaken in a timely fashion to meet the request by the Board, and ensure that the project is completed prior to the October general local elections. On that basis, the following is the preferred or suggested scheduled:

Month	Activity
April – May	Research phase / Information collection and analysis
June	Consultant reports out findings
July	Staff reports to Finance Committee and Board with report, and seek direction for bylaw
September	Staff brings draft bylaw to Finance Committee and Board for adoption
October	If the committee refers back bylaw with requests for change, staff will bring back revised bylaw for adoption in October (final chance)

PROCEDURE BYLAW CONSOLIDATED

THIS IS A CONSOLIDATION, FOR REFERENCE PURPOSES, OF:

- "Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014". This bylaw may be cited as "Procedure Bylaw".
(Adopted May 2, 2014)
 - (Prior citation "Greater Vancouver Regional District Procedure Bylaw Number 1205, 2014", amended by Bylaw 1257, 2018.)
- "Greater Vancouver Regional District Procedure Amending Bylaw Number 1239, 2017".
(Adopted January 27, 2017)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1257, 2018".
(Adopted January 26, 2018)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1297, 2020".
(Adopted February 28, 2020)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1305, 2020".
(Adopted March 25, 2020)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1322, 2021".
(Adopted June 25, 2021).
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1325, 2021".
(Adopted September 24, 2021).

As of September 24, 2021

COPIES OF THE ORIGINAL BYLAWS MAY BE INSPECTED AT
BOARD AND INFORMATION SERVICES, METRO VANCOUVER.

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NUMBER 1205, 2014**

**A Bylaw to regulate the proceedings of the Metro Vancouver Regional District
Board and Committees**

Revised by Bylaw 1239, 2016

WHEREAS the *Local Government Act*, RSBC 2015, Chapter 1, as amended (the “Act”) requires the Board to establish the general proceedings to be followed by the Board and Board committees in conducting their business;

NOW THEREFORE the Board of the Metro Vancouver Regional District, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 - INTRODUCTION

Revised by Bylaw 1257, 2018

Title

- 1.1 This bylaw shall be cited as "Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014".

Definitions

- 1.2 In this bylaw:

“Act” means the *Local Government Act*;

“audio and video recording devices” means any equipment enabling the recording and or transmission of sound and or visual images;

Revised by Bylaw 1257, 2018

“Board” means the Board of Directors of the Metro Vancouver Regional District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the *Act*, or the person appointed as the Chair, Vice Chair or other person presiding at a meeting of the Board or committee;

“Charter” means the *Community Charter*;

“committee” means, as the context requires, a select committee established by the Board, or a standing committee established by the Board Chair;

Revised by Bylaw 1239, 2016

“Corporate Officer” means the officer assigned corporate administration responsibilities under section 236 [*corporate administration*] of the *Act* and includes that officer’s designate;

“director” means a member of the Board, whether as a municipal director, as an electoral area director, or as a Treaty First Nation director pursuant to the *Act*;

Added by Bylaw 1325, 2021

“Electronic Meeting” means a meeting where some or all members are Electronic Participants;

“Electronic Participant” means a member who participates in a meeting by means of electronic or other communication facilities;

“In-Person Meeting” means a meeting where all members attend in-person;

Revised by Bylaw 1325, 2021

“Meeting” means a meeting of the Board, or a meeting of a committee, as the context requires, and includes an Electronic Meeting and an In-Person Meeting;

“member” means a director of the Board, or a person appointed to a committee, as the context requires;

Added by Bylaw 1325, 2021

“Unsafe Conditions” means any one or more of epidemics, pandemics, extreme weather conditions, fires, explosions, natural disasters, floods, riots or road blockages.

Revised by Bylaw 1257, 2018

“posting place” means the public notice board located on the 28th floor at the offices of the Metro Vancouver Regional District, 4730 Kingsway, Burnaby, British Columbia, and the MVRD website;

Revised by Bylaw 1257, 2018

“regional district” means the Metro Vancouver Regional District;

“regular meeting” means all regularly scheduled meetings;

Revised by Bylaw 1239, 2016

“select committee” means a committee established by the Board, pursuant to section 218 *[Appointment of select and standing committees]* of the Act, to consider or inquire into any matter and report its findings and opinion to the Board, after which the select committee disbands.

“special meeting” means a meeting other than a statutory, regular, or statutory or regular adjourned meeting.

“standing committee” means a committee established by the Board Chair, pursuant to section 218 *[Appointment of select and standing committees]* of the Act, that meets regularly to deliberate on matters the Chair considers would be better dealt with by committee.

Application of rules of procedure

- 1.3 The rules of procedure as set out in this bylaw apply to all meetings of the Board and committees except as otherwise provided.

- 1.3.1 The Standing Orders of the Legislative Assembly of British Columbia, not including the House of Commons of the United Kingdom of Great Britain and Northern Ireland, shall as far as they may be applicable, apply to all unprovided cases of the proceedings of the Board and committees.

Motion to Suspend the Rules

- 1.4 Any member may give notice of a motion to temporarily suspend any one or more of the rules contained in this Bylaw, provided that such suspension is not inconsistent with or in contravention of any statutory requirement, by providing the Corporate Officer with a written copy of such motion no later than two working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting. The notice must specify which rule is to be temporarily suspended and the item on the agenda to which that suspension will apply.
- 1.5 At a meeting, any member may at any time introduce a motion to temporarily suspend any one or more of the rules contained in this Bylaw provided that such suspension is not inconsistent with or in contravention of any statutory requirement, but such motion may only be adopted by at least two thirds vote of the members present.

PART 2 - ELECTION OF CHAIR AND VICE CHAIR

Revised by Bylaw 1239, 2016

- 2.1 As provided in section 215 [*Chair and vice chair of board*] of the Act:
- (1) At the first meeting held after November 1 in each year, the Board must elect a Chair and a Vice Chair.
 - (2) The Vice Chair has, during the absence, illness or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (3) If the Chair and the Vice Chair are not present at a meeting of the Board, the directors present may elect an acting Chair who, during that meeting, has all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (4) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.
- 2.2 The call for nominations for the office of Board Chair shall be conducted by the Corporate Officer, and the call for nominations for the office of Board Vice Chair shall be called by the Board Chair.
- 2.3 If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation.
- 2.4 If more than one candidate is nominated for an office, an election by voting shall be held and voting shall be conducted by secret ballot.
- 2.5 The counting of ballots shall be conducted by the Corporate Officer together with the Treasurer or Corporate Solicitor. Immediately thereafter the ballots shall be destroyed.
- 2.6 The candidate with the most votes for an office shall be declared elected to that office.

Tie vote

- 2.7 In the event of a tie vote for the most votes of two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by lot between those candidates as follows:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
 - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
 - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
 - (d) a person who is not a candidate shall be asked to withdraw one paper;
 - (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.
- 2.8 In the event of a tie vote for the most votes of more than two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by preferential ballot system.

PART 3 – MEETINGS

Replaced by Bylaw 1325 2021

Regular board meetings – date, time and place

- 3.1 No later than the last board meeting in November, the Corporate Officer shall provide an annual schedule of regular board meetings for the upcoming year, including the date, time and place of meetings, and meetings shall be held accordingly unless otherwise determined by resolution of the Board.
- 3.1.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of regular board meetings at the posting place.
- 3.1.2 In the case of regular board meetings conducted as Electronic Meetings, advance public notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.1.3 In the event of a change to a regular board meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Regular committee meetings – date, time and place

- 3.2 As soon as possible after the Board Chair has established committees, the Corporate Officer shall establish an annual schedule of committee regular meetings including the date, time, and place of the meetings and provide the annual schedule of committee regular meetings to each member of each committee.
- 3.2.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of committee regular meetings at the posting place.
- 3.2.2 In the case of regular committee meetings conducted as Electronic Meetings, advance public notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.2.3 A committee Chair may call additional meetings, or cancel a meeting, change the date, time, or place of a regular meeting where circumstances require.
- 3.2.4 In the event of a change to a regular committee meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Special meetings – calling and conduct

- 3.3 Pursuant to section 220 [*Calling of special board meetings*] of the *Act*, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members, by notice mailed to each member at least five days before the date of the meeting to the address given by each member to the Corporate Officer for that purpose.
- 3.4 The notice shall state the general purpose of the meeting and the day, time and place of the meeting, as well as whether the meeting is to be conducted as an Electronic Meeting or an In-Person Meeting.
- 3.4.1 In the case of Special Meetings conducted as Electronic Meetings, notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.5 The notice of any special meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

- 3.6 In an emergency, notice of a special meeting may be given with the consent of the Chair and two members, less than five days before the date of the meeting, and notice of the meeting does not need to be given in writing.

Electronic Meetings

- 3.6.1 A meeting may be conducted as an Electronic Meeting or an In-Person Meeting.
- 3.6.2 Electronic Meetings must abide by the rules established by Board policies pertaining to Electronic Meetings.

In-Person Meetings

- 3.6.3 Subject to Section 3.6.4, certain meetings throughout the calendar year may be determined to require in-person attendance by members, when:
- (a) established as In-Person Meetings on the annual Board and committee schedules referred to in Part 3;
 - (b) carried by resolution of the Board or committee; or
 - (c) given the nature of one or more items on the agenda, the Chair determines in-person attendance as a requirement, subject to members being provided with seven (7) of advance notice of the requirement to attend in person. The advance notice of any change of a scheduled meeting to an In-Person Meeting may be waived by a unanimous vote of the Board or committee, as the context requires.
- 3.6.4 If the Chair determines that Unsafe Conditions exist that have the potential to cause risk to the health and/or safety of members scheduled to attend an In-Person Meeting, then notwithstanding Section 3.6.3, the Chair may permit members to participate by means of electronic or other communication facilities.

Special meeting - advance public notice

- 3.7 At least one working day before a special meeting the Corporate Officer must give advance public notice of the day, hour and place of the meeting by way of a notice posted at the posting place.
- 3.8 Section 3.7 does not apply when notice to the members has been waived under section 3.5 or given under section 3.6 and it is otherwise impractical to provide the advance public notice under section 3.7.

Revised by Bylaw 1239, 2016

Attendance of public at meetings

- 3.9 Pursuant to section 226(1)(a) [*Board proceedings: application of Community Charter*] of the Act and section 89 [*open meetings*] of the Charter, a meeting must be open to the public, except as provided in section 3.10.

Requirements before meeting is closed

- 3.10 As provided in section 92 [*Requirements before meeting is closed*] of the Charter, before holding a meeting or part of a meeting that is to be closed to the public, the Board or committee must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
 - (b) the basis under the applicable subsection of section 3.11 on which the meeting or part is to be closed.

Meetings that may or must be closed to the public

- 3.11 As provided in section 90 [*Meetings that may or must be closed to the public*] of the Charter:
- (1) A part of a meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the regional district or another position appointed by the regional district;
 - (b) personal information about an identifiable individual who is being considered for a regional district award or honour, or who has offered to provide a gift to the regional district on condition of anonymity;
 - (c) labour relations or other employee relations;
 - (d) the security of the property of the regional district;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the Board or committee considers that disclosure could reasonably be expected to harm the interests of the regional district;
 - (f) law enforcement, if the Board or committee considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the regional district;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the regional district, other than a hearing to be conducted by the Board or committee or a delegate of the Board or committee;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
 - (k) negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the Board or committee, could reasonably be expected to harm the interests of the regional district if they were held in public;
 - (l) discussions with regional district officers and employees respecting regional district objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*] of the Charter;
 - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - (n) the consideration of whether a meeting should be closed under a provision of this subsection or subsection (2);

- (o) the consideration of whether the authority under section 91 [*Other persons attending closed meetings*] should be exercised in relation to a meeting.
- (2) A part of a meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
 - (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the Board is designated as head of the local public body for the purposes of that *Act* in relation to the matter;
 - (b) the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - (c) a matter that is being investigated under the *Ombudsman Act* of which the regional district has been notified under section 14 [*ombudsman to notify authority*] of that *Act*;
 - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (3) If the only subject matter being considered at a meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Other persons attending closed meetings

3.12 As provided in section 91 [*Other persons attending closed meetings*] of the Charter:

- (1) If all or part of a meeting is closed to the public, the Board or committee may allow one or more regional district officers and employees to attend or exclude them from attending, as it considers appropriate.
- (2) If all or part of a meeting is closed to the public, the Board or committee may allow a person other than regional district officers and employees to attend,
 - (a) in the case of a meeting that must be closed under section 3.11 (2), if the Board or committee considers this necessary and the person
 - (i) already has knowledge of the confidential information, or
 - (ii) is a lawyer attending to provide legal advice in relation to the matter, and
 - (b) in other cases, if the Board or committee considers this necessary.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Revised by Bylaw 1239, 2016

Meetings and hearings outside regional district

3.13 As provided in section 224 [*Meetings and hearings outside regional district*] of the *Act*, the following meetings may take place outside the boundaries of the regional district:

- (a) board meetings;
- (b) committee meetings;
- (c) other public meetings conducted by or on behalf of the Board or a board committee;
- (d) board hearings that are required by law or authorized by an enactment; and
- (e) board proceedings in which a person is entitled under the *Act* to make representations to the Board.

Duty to respect confidentiality

- 3.14 Pursuant to section 117 [*Duty to respect confidentiality*] of the Charter, a member or former member must, unless specifically authorized by the Board or committee:
- (a) keep in confidence any record held in confidence by the regional district, until the record is released to the public as lawfully authorized or required, and
 - (b) keep in confidence information considered in any part of a meeting that was lawfully closed to the public, until the Board or committee discusses the information at a meeting that is open to the public or releases the information to the public.

Corporate Officer to attend

- 3.15 The Corporate Officer shall attend all meetings and record the business, proceedings and reports thereof.

PART 4 - QUORUM

Chair to preside at meetings

- 4.1 The Chair, if present, shall preside at all meetings. In the absence of the Chair from a meeting, the Vice Chair shall preside.

Revised by Bylaw 1239, 2016

- 4.1.1 In the absence of both the Chair and Vice Chair, the Corporate Officer shall call the meeting to order and call for a motion from the members present to appoint a member to preside as acting Chair pursuant to section 215(3) of the *Act*.

Quorum

- 4.2 A quorum of the Board is a majority of all the directors having among them a majority of all the votes and a quorum of a committee is a majority of the members appointed to that committee.
- 4.2.1 If a quorum is not present within thirty minutes after the time established for a meeting, the Corporate Officer shall record the names of the members present and the meeting shall stand adjourned.
- 4.2.2 As soon after the hour of meeting as there shall be a quorum present the Chair will call the meeting to order.

PART 5 - ORDER OF BUSINESS

Order of business

- 5.1 Unless otherwise determined by resolution of the Board or committee, the order of business for meetings shall be as follows:
- 5.1.1 For board regular meetings:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations

- (e) Consent Agenda
- (f) Items Removed from the Consent Agenda
- (g) Reports from Committee or Chief Administrative Officer (not included on the Consent Agenda)
- (h) Motions for Which Notice Has Been Given
- (i) Other Business
- (j) Business Arising from Delegations
- (k) Resolution to Close Meeting
- (l) Rise and Report (Items Released from Closed Meeting)
- (m) Adjournment or Conclusion.

5.1.1.1 Subsections 5.1.1(e), (f), and (k) do not apply to a board regular closed meeting.

- 5.1.2 For committee regular meetings:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations
 - (e) Reports from Committee or Chief Administrative Officer
 - (f) Information Items
 - (g) Other Business
 - (h) Business Arising from Delegations
 - (i) Resolution to Close Meeting
 - (j) Adjournment or Conclusion.

5.1.2.1 Subsection 5.1.2(i) does not apply to a committee regular closed meeting.

- 5.1.3 For special board or committee meetings:
- (a) Adoption of the Agenda
 - (b) Reports from Committee or Chief Administrative Officer
 - (c) Resolution to Close Meeting
 - (d) Rise and Report (Items Released from a Board Closed Meeting)
 - (e) Adjournment or Conclusion.

5.1.3.1 Subsection 5.1.3(c) does not apply to special board or committee closed meetings.

5.1.3.2 Subsection 5.1.3 (d) does not apply to committees.

Addition of agenda items by a member

- 5.2 At a meeting, a member may, at the time adoption of the agenda is being considered, propose to place an additional item on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

- 5.2.1 Notwithstanding section 5.2, after the meeting agenda has been adopted, a member may propose to place an item of an urgent matter on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

Revised by Bylaw 1239, 2016

Minutes

- 5.3 As provided in sections 223(1) [*Minutes of board meetings*] and 223(2) [*Minutes of a board committee meeting*] of the Act:
- (1) Minutes of board meetings must be
 - (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted; and
 - (2) Minutes of a committee meeting must be
 - (a) legibly recorded, and
 - (b) signed by the Chair or member presiding at the meeting.

Consent agenda

- 5.4 The consent agenda portion of a board agenda shall consist of staff or committee report items that contain clear 'take action, give approval, or receive for information' recommendations.
- 5.5 Directors may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a board agenda.
- 5.6 At any time prior to the vote under section 5.5, a director may for the purposes of:
- (a) debate or discussion,
 - (b) voting in opposition to a recommendation on the consent agenda, or
 - (c) declaring a conflict of interest with respect to an item on the consent agenda, request that an item be removed from the consent agenda. The item will be considered immediately after the consideration of the consent agenda.

Adjourn

- 5.7 A meeting which has been in session for four hours from the time the meeting was convened is deemed to be adjourned unless the Board or committee resolves to extend the meeting.
- 5.7.1 Notwithstanding section 5.7, a motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding shall have been taken.

PART 6 - KEEPING ORDER

Expelling a person

- 6.1 The Chair may expel a person from a meeting as provided in section 133 [*expulsion from meetings*] of the Charter as follows:
- (a) If the Chair considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
 - (b) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

Use of audio and or video recording devices

- 6.2 No person shall use or operate any audio and or video recording devices at a meeting unless audio and or video recording devices are placed in a location designated by the Chair for that purpose and remain in that location during the course of the meeting.
- 6.2.1 Notwithstanding section 6.2, audio and or visual recording devices must not be used or operated during a closed meeting unless expressly permitted by the Board or committee.

Points of order

- 6.3 The Chair shall preserve order and decide all points of order which may arise.

Appeal

- 6.4 Any decision of the Chair made under Section 6.3 may be appealed by a member and on an appeal by a member from the decision of the Chair, the question shall be immediately put by the Chair and decided without debate, "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present excluding the Chair.
- 6.4.1 In the event of the votes being equal, the question shall pass in the affirmative.
- 6.4.2 The names of the members voting for or against the question shall be recorded in the minutes.
- 6.4.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Board or committee shall immediately appoint a member to preside temporarily and the member so temporarily appointed shall proceed in accordance with Section 6.4 and Subsections 6.4.1 and 6.4.2.
- 6.5 Any resolution or motion carried under the circumstances mentioned in Section 6.4.3 is as binding as if carried out with the Chair presiding.

PART 7 - DEBATE

- 7.1 Where there is a motion under debate a member shall not speak other than on that motion under debate and the matters relating to that motion as set out in Section 8.2.

7.2 No director shall speak on any question for longer than three minutes without leave of the Chair.

7.2.1 Section 7.2 does not apply to committees.

7.3 Any member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

7.4 No director shall speak more than once to the same motion without leave of the Chair except:

- (a) in explanation of a material part of his or her speech which may have been misunderstood, provided in doing so that director does not introduce any new matter, and no debate shall be allowed upon such explanation; or
- (b) in reply by a director who moved the substantive motion to the Board, but not to any director who has moved an amendment or a non substantive motion.

7.4.1 Section 7.4 does not apply to committees.

7.5 If, during debate on a motion, a motion to refer or defer that motion is put while there remain members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such motion of deferral or referral until those on the list of speakers for the first motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the motion to defer or refer and, receiving an affirmative response, shall call the question on such motion.

7.6 At any time during debate on a motion, a director may move "That the vote on the motion be called" and that motion shall be decided without amendment or debate. If the motion "That the vote on the motion be called" is adopted by at least two thirds vote of the members present, the motion consequent thereon shall be immediately called and voted upon without further debate or amendment.

7.6.1 Section 7.6 does not apply to committees.

PART 8 - MOTIONS

8.1 A motion shall be made and seconded before being debated or finally put by the Chair.

8.2 When a motion is under debate it is deemed to be in possession of the Board or committee and no motion shall be received unless to amend it, to refer it, to table it, to defer it, to withdraw it, to adjourn, or to call the question.

Amendments

8.3 Amendments shall be voted on in the reverse order to that in which they are moved.

8.3.1 Every amendment submitted shall, when requested by any member, be reduced to writing and be decided upon or withdrawn before the main question is called.

- 8.3.2 Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion.

Referral

- 8.4 A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

Chair determines contrary to rules

- 8.5 When the Chair is of the opinion that a motion put before the Board is contrary to the rules of the Board or committee, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances.

PART 9 - NOTICE OF MOTION

- 9.1 Any director desiring to bring before the Board any new matter, other than a point of order or of privilege, shall do so by way of motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and shall be dealt with as provided by Section 9.1.1.

- 9.1.1 Any director may give notice of a motion to the Board by:
- (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or
 - (b) providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

PART 10 - RECONSIDERATION, RESCISSION OF A RESOLUTION

Chair may propose board reconsideration of a matter

Revised by Bylaw 1239, 2016

- 10.1 Notwithstanding section 5.2, as provided in 217 [*Chair may require board reconsideration of a matter*] of the Act and section 131 [*Mayor may require council reconsideration of a matter*] of the Charter, the Chair may require Board reconsideration of a matter as follows:
- (1) Without limiting the authority of a Board to reconsider a matter, the Chair may require the Board to reconsider and vote again on a matter that was the subject of a vote.
 - (2) In exercising the power under subsection (1), the Chair may return the matter for reconsideration at the meeting of the Board following the original vote.
 - (3) A matter may not be reconsidered under this section if

- (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board, or
 - (b) there has already been a reconsideration under this section in relation to the matter.
- (4) On a reconsideration under this section, the Board
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Director, other than the chair, may propose board reconsideration of a matter

- 10.2 After a vote has been taken on any motion, a director (except the Chair), who voted with the majority for or against that resolution may, at the regular meeting of the Board following the original vote, introduce a motion to reconsider that resolution in accordance with section 5.2 or section 9.1 (b).

General provisions for board reconsideration

- 10.3 When a motion to reconsider has been presented, no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.
- 10.4 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

Rescission/Amendment of a previously decided resolution

- 10.5 At a board meeting, any director may at any time introduce a motion to rescind or amend a previously decided resolution which has been adopted in the affirmative or negative in accordance with section 5.2 or section 9.1 (b), and at a committee meeting, any member may do so in accordance with section 5.2.
- 10.5.1 Notwithstanding section 10.5, a member may at any time introduce a motion to rescind or amend a previously decided resolution if the motion is made at the same meeting as the previously decided resolution.
- 10.5.2 Notwithstanding section 10.5, a motion to rescind or to amend a resolution is not in order under the following circumstances:
- (a) If some action integral to the resolution now being rescinded or amended has been taken as a result of the previous decision and that action is impossible to undo; or
 - (b) If the resolution is so intimately connected with another resolution that the resolution cannot be considered as a distinct proposition.

PART 11 - VOTING

Tie vote

11.1 In all cases where the votes of the members present and entitled to vote, including the vote of the Chair, are equal for and against a question, the question shall be declared in the negative, and it shall be the duty of the Chair or other member presiding to so declare.

11.1.1 Any member then present who abstains from voting shall be deemed to have voted in the affirmative.

Recorded vote

11.2 At a board meeting, a director may call for a recorded vote, and if so called, the Corporate Officer shall record in the minutes the names of each director present, the manner in which that director has voted, and the number of votes assigned to such director.

11.2.1 Section 11.2 does not apply to committees.

Distinct propositions

11.3 When the motion under debate contains several parts, each of which is capable of standing as a complete proposition if the others are removed, a separate vote upon each such proposition shall be taken if requested by any member.

Members attendance for vote

11.4 Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a member has declared a conflict of interest.

Conflict of interest

11.5 Pursuant to section 100 [*Disclosure of conflict*] of the Charter, if a member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has

- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.

11.5.1 After making a declaration under section 11.5, the member must not do anything referred to in section 101 (2) [*Restrictions on participation if in conflict*] of the Charter.

11.5.2 As an exception to section 11.5.1, if a member has made a declaration under section 11.5 and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,

- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- 11.5.3 For certainty, a member who makes a statement under section 11.5.2 remains subject to section 101 *[Restrictions on participation if in conflict]* of the Charter.
- 11.5.4 When a declaration under section 11.5 or a statement under section 11.5.2 is made,
 - (a) the Corporate Officer must record in the minutes the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room and, if applicable, of the member's return, and
 - (b) unless a statement is made under section 11.5.2, the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.
- 11.5.5 Pursuant to section 101 *[Restrictions on participation if in conflict]* of the Charter, if a member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 11.5, the member must not:
 - (a) remain or attend at any part of a meeting referred to in section 100 (1) *[Disclosure of conflict]* of the Charter during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

PART 12 - BYLAWS

Revised by Bylaw 1239, 2016

- 12.1 Bylaws shall be read and adopted in accordance with section 225 *[Procedures, bylaws and enforcement]* of the Act.

Copies of proposed bylaws to directors

- 12.2 Every proposed bylaw shall be in written form before it is considered by the Board and a copy shall be provided to each director when it is under discussion.

Introduction, reading and adopting bylaws

- 12.3 Every proposed bylaw shall be introduced by motion.
- 12.4 A proposed bylaw may be debated or amended at any time during the first three readings unless prohibited by the Act.

- 12.5 A bylaw shall be deemed to be read when its title or bylaw number is stated.
- 12.6 Every proposed bylaw must be given first, second and third reading before it is passed and finally adopted.
- 12.7 Every proposed bylaw may be introduced and given first, second and third readings at the same meeting by one motion for all three readings.

Revised by Bylaw 1239, 2016

- 12.8 A separate motion that a proposed bylaw be passed and finally adopted must be made at a subsequent meeting, except that as provided in section 228 of the *Act*, a bylaw that does not require approval, consent or assent under the *Act* or any other act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least two thirds vote of the directors present.
- 12.9 As provided in section 89 [*Open meetings*] of the Charter, a Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Certification and storage

- 12.10 When a bylaw is read at a board meeting, the Corporate Officer shall certify the readings and dates at the end of such bylaw. After a bylaw has been adopted the Corporate Officer shall be responsible for its correctness, including any amendments.
- 12.11 Every bylaw which has been adopted by the Board shall be signed without delay by the Chair and the Corporate Officer, sealed with the seal of the Board, and retained by the Corporate Officer for safekeeping.
- 12.12 After their adoption by the Board, all bylaws shall be filed in their regular order and shall have an index prepared for the same.

Repeal of a bylaw

- 12.13 The repeal of any bylaw or part of any bylaw shall not, unless a contrary intention appears, revive any bylaw or Part thereof not in force or existing at the time at which a bylaw takes effect or prevent the effect of any saving clause therein.

PART 13 - DELEGATIONS

General provisions

- 13.1 No person, persons or organization shall appear as a delegation more than once to the same agenda item except to introduce new and material information.
- 13.2 Each delegation shall be limited to a maximum time of five minutes to make a presentation to the Board or a committee unless otherwise determined by leave of the Chair.

13.2.1 The Board or committee shall be limited to a maximum of five minutes in which to direct questions to the respective delegation unless otherwise determined by leave of the Chair.

13.3 Each delegation:

- (a) may provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee and board agenda package; and
- (b) may provide the Corporate Officer with a copy of the delegation's complete presentation and other relevant background material for the record.

13.4 The subject matter upon which a delegation wishes to speak must:

- (a) be within the jurisdiction of the regional district; and
- (b) be within the terms of reference of the committee for which the delegation wishes to appear.

13.4.1 A request to appear as a delegation at a Council of Councils Committee will not be accepted unless a meeting of the Councils of Council's Committee has been called for the express purpose of hearing delegations on a matter.

Revised by Bylaw 1322, 2021

13.4.2 A request to appear as a delegation at a board or committee meeting will not be accepted if it relates to a public procurement process for the provision of goods, services or construction for Metro Vancouver Regional District between the time that such procurement process has been posted and the time any resulting contract or proposal call has been awarded, or other final decision made.

Regular delegation – committee

13.5 Any person, persons or organization wishing to appear as a regular delegation before a committee shall submit a written request to the Corporate Officer at least seven working days prior to the scheduled meeting.

13.5.1 The written request must stipulate:

- (a) the subject matter upon which the delegation wishes to speak;
- (b) the name of the designated speaker; and
- (c) the specific action which is being requested of the committee by the delegation.

13.5.2 Each delegation may, at least seven working days before a scheduled meeting, provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee agenda package.

13.5.3 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.5.4 The delegation appearance and the subject of the delegation will be included on the meeting agenda.

Late delegation – committee

13.6 Any person, persons, or organization who deems their interests to be affected by a report on a committee agenda and who, because of circumstances, could not have been expected to give earlier notice pursuant to section 13.5, may request to appear as a late delegation before the committee by submitting a written request, before the meeting is convened, to the Corporate Officer, stipulating:

- (a) the circumstances preventing the delegation from giving earlier notice;
- (b) how the delegation's interests are affected by a report on a committee agenda;
- (c) the name of the report that the delegation wishes to speak to;
- (d) the name of the designated speaker; and
- (e) the specific action which is being requested of the committee by the delegation.

13.6.1 The Corporate Officer shall advise the committee Chair of the late delegation request and circulate the written request and the executive summary, if available, to the committee members on table at the committee meeting.

13.6.2 The committee shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the late delegation request as an additional item on the agenda in accordance with section 5.2.

Delegation – board

13.7 Any person, persons or organization who deems their interests to be affected by a report on a board agenda may request to appear as a delegation before the Board by submitting a written request to the Corporate Officer no later than forty-eight hours prior to the scheduled board meeting stipulating:

- (a) how the delegation's interests are affected by a report on a board agenda;
- (b) the name of the report that the delegation wishes to speak to;
- (c) the name of the designated speaker; and
- (d) the specific action which is being requested of the Board by the delegation.

13.7.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.7.2 The Corporate Officer shall advise the Board Chair of the delegation request and circulate the written request and the executive summary, if available, to the Board members on table at the board meeting.

13.7.3 The Board shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the delegation request as an additional item on the agenda in accordance with section 5.2.

13.8 Any person, persons or organization who wishes to appear before the Board with respect to an emergency matter may, before the meeting is convened, request the Chair to grant approval to the person, persons, or organizations to appear before the Board, by clearly demonstrating the emergency nature of the request. The Chair shall not be obliged to grant approval of any such late delegation request unless the Chair is satisfied that the nature of the emergency prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board.

Invited presentation – board or committee

13.9 The Chair may, under exceptional circumstances, invite a person, persons, or organizations to make a presentation to the meeting. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.

13.9.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the designated speaker of the date, time and place of the meeting at which the designated speaker is scheduled to appear.

PART 14 - COMMITTEES

Conduct of business

14.1 Committees shall conduct business under the rules of procedure as set out in Parts 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 as the context requires and unless otherwise provided.

Revised by Bylaw 1239, 2016

Appointment of select and standing committees

14.2 Select and standing committee appointments may be made pursuant to section 218 [*Appointment of select and standing committees*] of the *Act* as follows:

- (1) A board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.
- (2) The Chair may establish standing committees for matters the Chair considers would be better dealt with by committee and may appoint persons to those committees.
- (3) Subject to subsection (4), persons who are not directors may be appointed by the board to a select committee or by the Chair to a standing committee.

Revised by Bylaw 1297, 2020

- (4) A majority of the members of a committee, except the Council of Councils' Committee and the Committee responsible for the Regional Economic Prosperity Service, shall be directors.

Membership

14.3 The Board Chair and Board Vice Chair shall be ex-officio members of all standing committees but shall not be entitled to vote, and shall not constitute quorum.

Voting

14.4 At a committee meeting, a member of a committee shall have one vote only.

Matters Referred to Committee by the Board

14.5 A committee shall consider and report respectively within the time period established by the Board, on every matter referred to it by the Board and the committee Chair shall raise the matter before the Board.

14.5.1 Any committee member shall have the right to submit a minority report.

14.5.2 Where delegations are heard by a committee, the committee's report to the Board shall include the committee recommendation, notification of the appearance of delegations, and a synopsis of the delegations submissions to the committee.

14.5.3 No action of any committee shall be binding on the Board unless the committee has delivered its report to the Board and the Board has adopted such action.

PART 15 - MISCELLANEOUS PROVISIONS

15.1 "Greater Vancouver Regional District Procedure Bylaw Number 1009, 2005", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1059, 2007", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1066, 2007", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1067, 2007", and "Greater Vancouver Regional District Procedure Amending Bylaw Number 1106, 2009" be and are hereby repealed.



To: Mayors Committee

From: Dorothy Shermer, Corporate Officer

Date: July 19, 2023

Meeting Date: September 6, 2023

Subject: **Board Procedure Bylaw**

RECOMMENDATION

That the MVRD Board:

- a) give first, second, and third reading to *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*; and
 - b) adopt *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*.
-

EXECUTIVE SUMMARY

On April 28, 2023, the Board directed staff to bring forward a new *Metro Vancouver Regional District Board Procedure Bylaw* (Attachment 1) to replace *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014*. This report presents for the Board's consideration the new *Procedure Bylaw*, prepared according to the recommendations endorsed by the Board in April, and includes updates that 1) provide greater procedural clarity, 2) reduce redundancies, 3) facilitate interpretation through the use of plain language, and 4) allow for differentiation between electronic meetings and electronic participation which enables greater flexibility in determining the appropriate meeting type for each meeting.

PURPOSE

To present *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023* for Board consideration.

BACKGROUND

At its meeting held on April 28, 2023, the Board considered a report dated March 17, 2023 titled "Board Procedure Bylaw Review Findings" (Attachment 2) and passed the following resolution:

That the MVRD board direct staff to bring forward a new Metro Vancouver Regional District Board Procedure Bylaw to replace Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014 that incorporates the recommended changes as presented in the report dated March 17, 2023, titled "Board Procedure Bylaw Review Findings."

Following this direction, this report brings forward for Board consideration *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*.

PROCEDURE BYLAW CHANGES

Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023 includes the following updates:

- **Housekeeping changes** – updating address; replace references to specific sections of legislation with general references to legislation; replace quoted sections of legislation with general references to legislation; replacing confusing terms with plain language terms; update terms to conform with Robert’s Rules of Order; correct section references.
- **Add clarity by specifically including long-standing practices and interpretations** – specify that the Corporate Officer may send designates to attend meetings; specify the Chair’s duty to preside upon arrival; add standard order of business for closed meetings; add section to address agenda preparation and circulation; specify that minutes are available to the public; specify that 24-hour notice is required for calling special meetings; clarify order of precedence for motions to adjourn; clarify that executed matters are excluded from reconsideration; specify that Public Hearings, where required, are held after second reading; clarify committee responsibility to consider staff reports.
- **Chair Elections** – clarify requirement to consent to nominations for position of Board Chair or Vice-Chair; add provisions for allowing absent candidate to be nominated and to consent to the nomination; specify allotted time for candidate to address the Board; specify how the election is to be conducted by secret ballot if the meeting is held electronically; simplify determination of election results in the case of three (or more) way ties by using the same method for determining two-way ties.
- **Rescheduling or Cancelling Meetings** – add provisions to specify how meetings can be rescheduled or cancelled.
- **Notice of Motion** – clarify “new matter” as “matter that is not listed on the meeting agenda”; add provision to allow members’ notices of motion to proceed in their absence with the mover’s written consent.
- **Reconsideration** – add six-month waiting period for repeating reconsideration motions.
- **Bylaws** – remove requirement to place corporate seal on bylaws.
- **Delegations** – clarify that delegations cannot appear more than once “on the same subject matter” instead of “on the same agenda item” within six months; specify that only the executive summary of up to two pages from delegations is retained; limit the maximum number of delegations at each meeting to three, except with unanimous board approval; add list of prohibited delegations (e.g. item for which Public Hearing has been held, subject of litigation, commercial promotions, and other commonly prohibited delegations).
- **Electronic Meetings and Electronic Participation** – add clear differentiations between in-person meetings, hybrid meetings, and electronic meetings, as well as a mechanism for allowing electronic participation in in-person meetings; add provisions for administrative handling of request for electronic participation in in-person meetings; add procedures for establishing meeting types and converting meeting types.

ALTERNATIVES

1. That the MVRD Board:
 - a) give first, second, and third reading to *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*; and
 - b) adopt *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*.
2. That the MVRD Board refer the report dated July 19, 2023 titled “Board Procedure Bylaw” back to staff for inclusion of additional changes to the bylaw provisions.

FINANCIAL IMPLICATIONS

There are no financial implications or budgetary impacts associated with the adoption of *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023* aside the nominal cost of providing public notice as required by section 94 of the *Community Charter*.

CONCLUSION

Draft *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023* has been prepared according to the recommendations endorsed by the Board in April, and includes updates that 1) provide greater procedural clarity, 2) reduce redundancies, 3) facilitate interpretation through the use of plain language, and 4) allow for differentiation between electronic meetings and electronic participation, which enables greater flexibility in determining the appropriate meeting type for each meeting. The bylaw is now presented to the Board for consideration of adoption.

Attachments

1. Draft *Metro Vancouver Regional District Board Procedure Bylaw No. 1368, 2023*.
2. Mayors Committee report dated March 17, 2023 titled “Board Procedure Bylaw Review Findings”.

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NO. 1368, 2023
A bylaw to regulate the proceedings of the
Metro Vancouver Regional District Boards and Committees**

WHEREAS the *Local Government Act*, RSBC 2015, Chapter 1, as amended (the “*Act*”) requires the Board to establish the general procedures to be followed by the Board and Board committees in conducting their business;

NOW THEREFORE the Board of the Metro Vancouver Regional District enacts as follows:

PART 1 - INTRODUCTION

Citation

1. The official citation of this Bylaw is “Metro Vancouver Regional District Procedure Bylaw No. 1368, 2023”.

Repeal of Bylaw

2. “Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014” and all amendments thereto are hereby repealed.

Definitions

3. In this Bylaw:

“*Act*” means the *Local Government Act*;

“audio and video recording devices” means any equipment enabling the recording and or transmission of sound and or visual images;

“Board” or “board” means the Board of Directors of the Metro Vancouver Regional District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the *Act*, or the person appointed as the Chair, Vice Chair or other person presiding at a meeting of the Board or committee;

“*Charter*” means the *Community Charter*;

“committee” means, as the context requires, a select committee established by the Board, or a standing committee established by the Board Chair;

“Corporate Officer” means the officer assigned corporate administration responsibilities under the *Act* and includes that officer’s designate;

“Director” means a member of the Board, whether as a municipal director, as an electoral area director, or as a Treaty First Nation director pursuant to the *Act*;

“Electronic Meeting” means a meeting where some or all members are Electronic Participants;

“Electronic Participant” means a member who participates in a meeting by means of electronic or other communication facilities;

“In-Person Meeting” means a meeting where all members attend in-person;

“Meeting” or “meeting” means a meeting of the Board, or a meeting of a committee, as the context requires, and includes an Electronic Meeting and an In-Person Meeting;

“member” means a Director of the Board, or a person appointed to a committee, as the context requires;

“Unsafe Conditions” means any one or more of epidemics, pandemics, extreme weather conditions, fires, explosions, natural disasters, floods, riots, or road blockages;

“posting place” means the public notice board located on the 28th floor at the offices of the Metro Vancouver Regional District, 4515 Central Boulevard, Burnaby, British Columbia, V5H 0C6 and the MVRD website;

“Regional District” means the Metro Vancouver Regional District;

“select committee” means a committee established by the Board, pursuant to the *Act*, to consider or inquire into any matter and report its findings and opinion to the Board, after which the select committee disbands; and

“standing committee” means a committee established by the Board Chair, pursuant to the *Act*, that meets regularly to deliberate on matters the Chair considers would be better dealt with by committee.

Application of Rules of Procedure

4. (1) The rules of procedure as set out in this Bylaw apply to all Meetings except as otherwise provided.
- (2) In cases not provided for under this Bylaw, the current edition of *Robert’s Rules of Order, Newly Revised* will apply to the extent that those rules are applicable in the circumstances and are not inconsistent with the provisions of this Bylaw, the *Act*, or the *Charter*.

Motion to Suspend the Rules

5. (1) Any member may give notice of a motion to temporarily suspend any one or more of the rules contained in this Bylaw, provided that such suspension is not inconsistent with or in contravention of any statutory requirement, by providing the Corporate Officer with a written copy of such motion no later than two working days prior to the scheduled Meeting, and the Corporate Officer shall add the motion to the agenda for said Meeting. The notice must specify which rule is to be temporarily suspended and the item on the agenda to which that suspension will apply.
- (2) At a Meeting, any member may at any time introduce a motion to temporarily suspend any one or more of the rules contained in this Bylaw provided that such suspension is not inconsistent with or in contravention of any statutory requirement.
- (3) A motion to suspend the rules may only be adopted by at least two thirds vote of the members present.

PART 2 – ELECTION OF CHAIR AND VICE CHAIR

General Provisions

6. (1) As provided in the *Act*:
 - (a) At the first Meeting held after November 1 in each year, the Board must elect a Chair and a Vice Chair.
 - (b) The Vice Chair has, during the absence, illness, or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (c) If the Chair and the Vice Chair are not present at a Meeting of the Board, the Directors present may elect an acting Chair who, during that Meeting, has all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (d) For the purposes of elections under this section, each Director present at the Meeting has one vote in each election for an office.

Nominations

7. (1) The call for nominations for the office of Board Chair shall be conducted by the Corporate Officer, and the call for nominations for the office of Board Vice Chair shall be called by the Board Chair.
- (2) A candidate must consent to the nomination.
- (3) If a candidate is not present at the meeting, their written consent to the nomination must be provided to the Corporate Officer at the Meeting.

Acclamation

8. If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation.

Election

9. (1) If more than one candidate is nominated for an office, an election by voting shall be held and voting shall be conducted by secret ballot.
- (2) At the close of nominations, each candidate will be given a maximum of three minutes to address the Board in favour of their candidacy in the order of their nomination. If a candidate is not present at the meeting, they may have their nominator deliver a prepared speech on their behalf not to exceed three minutes.
- (3) For elections that take place during an Electronic Meeting, if voting by secret ballot is not practicable, Board Members may place their vote by way of an individual, confidential phone call to the Corporate Officer.
- (4) The counting of ballots shall be conducted by the Corporate Officer together with the Treasurer or Corporate Solicitor. Immediately thereafter the ballots shall be destroyed.
- (5) The candidate with the most votes for an office shall be declared elected to that office.

Tie Vote

10. In the event of a tie vote for the most votes of two or more candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by lot between those candidates as follows:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
 - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
 - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
 - (d) a person who is not a candidate shall be asked to withdraw one paper; and
 - (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.

PART 3 – MEETINGS

Regular Board Meetings – Date, Time, and Place

11. (1) No later than the last board meeting in November, the Corporate Officer shall provide an annual schedule of regular board meetings for the upcoming year, including the date, time and place of meetings, and meetings shall be held accordingly unless otherwise determined by resolution of the Board.
- (2) For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of regular board meetings at the posting place.
- (3) Regular board meetings may be cancelled, postponed, or rescheduled by the Corporate Officer in consultation with the Chair and Chief Administrative Officer.
- (4) In the case of regular board meetings conducted as Electronic Meetings, either the Corporate Officer or designate must be in attendance at a specified place where the public may attend to hear the portions of the proceedings that are open to the public.

- (5) In the case of regular board meetings conducted as Electronic Meetings, advance public notice must include:
 - (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the portions of the proceedings that are open to the public.
- (6) In the event of a change to a regular board meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Regular Committee Meetings – Date, Time, and Place

- 12. (1) As soon as possible after the Board Chair has established committees, the Corporate Officer shall establish an annual schedule of committee regular meetings including the date, time, and place of the meetings and provide the annual schedule of committee regular meetings to each member of each committee.
- (2) For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of committee regular meetings at the posting place.
- (3) In the case of regular committee meetings conducted as Electronic Meetings, advance public notice must include:
 - (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- (4) A committee Chair may call additional meetings, or cancel a meeting, change the date, time, or place of a regular meeting where circumstances require.
- (5) In the event of a change to a regular committee meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Special Meetings – Calling and Conduct

- 13. (1) Pursuant to the *Act*, on the request of the Chair or any two members, a special meeting shall be called by the Corporate Officer by posting a copy of the notice at the regular board meeting place and public notice posting places, and by leaving one copy for each member at the place given by each member to the Corporate Officer for that purpose at least 24 hours in advance in advance of the meeting.
- (2) The notice shall state the general purpose of the meeting and the day, time, and place of the meeting, as well as whether the meeting is to be conducted as an Electronic Meeting or an In-Person Meeting.
- (3) The notice of special meeting must be signed by the Chair or Corporate Officer.
- (4) In the case of Special Meetings conducted as Electronic Meetings, notice must include:
 - (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

- (5) In the case of Special Meetings conducted as Electronic Meetings either the Corporate Officer or designate must be in attendance at a specified place where the public may attend to hear the portions of the proceedings that are open to the public.
- (6) The notice of any special meeting may be waived by a unanimous vote of the Board or committee, as the context requires.
- (7) In an emergency, notice of a special meeting may be given with the consent of the Chair and two members, and notice of the meeting does not need to be given in writing.

Electronic Meetings

- 14.
 - (1) A meeting may be conducted as an Electronic Meeting or an In-Person Meeting.
 - (2) Electronic Meetings must abide by the rules established by the Procedure Bylaw and Board policies pertaining to Electronic Meetings.
 - (3) Electronic Meetings may be held:
 - (a) using a hybrid model of simultaneous use of electronic facilities and the Metro Vancouver boardroom or other location; or
 - (b) using only electronic facilities, through which all members must join the meeting.

In-Person Meetings

- 15.
 - (1) Certain meetings throughout the calendar year may be determined to require in-person attendance by members, when:
 - (a) established as In-Person Meetings on the annual Board and committee schedules referred to in Part 3;
 - (b) carried by resolution of the Board or committee; or
 - (c) given the nature of one or more items on the agenda, the Chair determines in-person attendance as a requirement, subject to members being provided with seven days of advance notice of the requirement to attend in person. The advance notice of any change of a scheduled meeting to an In-Person Meeting may be waived by a unanimous vote of the Board or committee, as the context requires.
 - (2) If the Chair determines that Unsafe Conditions exist that have the potential to cause risk to the health and/or safety of members scheduled to attend an In-Person Meeting, then notwithstanding Section 15(1), the Chair may permit members to participate by means of electronic or other communication facilities.
 - (3) Subject to section 15(4), if a member is unable to attend an In-Person Meeting due to extenuating circumstances, that member may request authorization from the Chair or the Chair's designate to participate electronically notwithstanding Section 15(1).
 - (4) Section 15(3) does not apply to the first meeting held after November 1 in each year, at which the board elects a Chair and a Vice Chair.

Attendance of Public at Meetings

16. Pursuant to the *Act* and the *Charter*, a meeting must be open to the public, except as provided in section 17(1).

Meetings That May or Must Be Closed to the Public

17. (1) A meeting, or part of a meeting, may or must be closed to the public only if the matter falls under section 90 of the *Charter*.
- (2) As provided in the *Charter*, before holding a meeting or part of a meeting that is to be closed to the public, the Board or committee must state, by resolution passed in a public meeting:
- (a) the fact that the meeting or part is to be closed, and
 - (b) the basis under the applicable subsection of section 90 of the *Charter* on which the meeting or part is to be closed.

Other Persons attending Closed Meetings

18. (1) As provided in the *Charter*, if all or part of a meeting is closed to the public, the Board or committee may allow one or more Regional District officers and employees to attend or exclude them from attending, as it considers appropriate.
- (2) As provided in the *Charter*, if all or part of a meeting is closed to the public, the Board or committee may allow a person other than Regional District officers and employees to attend:
- (a) in the case of a meeting that must be closed under section 17(1), if the Board or committee considers this necessary and the person:
 - (i) already has knowledge of the confidential information, or
 - (ii) is a lawyer attending to provide legal advice in relation to the matter;and
 - (b) in other cases, if the Board or committee considers this necessary.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Meetings and Hearings Outside Regional District

19. As provided in the *Act*, the following meetings may take place outside the boundaries of the Regional District:
- (a) board meetings;
 - (b) committee meetings;
 - (c) other public meetings conducted by or on behalf of the Board or a board committee;
 - (d) board hearings that are required by law or authorized by an enactment; and
 - (e) board proceedings in which a person is entitled under the *Act* to make representations to the Board.

Duty to Respect Confidentiality

20. Pursuant to the *Charter*, a member or former member must, unless specifically authorized by the Board or committee:
- (a) keep in confidence any record held in confidence by the Regional District, until the record is released to the public as lawfully authorized or required, and

- (b) keep in confidence information considered in any part of a meeting that was lawfully closed to the public, until the Board or committee discusses the information at a meeting that is open to the public or releases the information to the public.

Corporate Officer to Attend

- 21. The Corporate Officer or their designate shall attend all meetings and record the business, proceedings and reports thereof.

PART 4 – QUORUM

Chair to Preside at Meetings

- 22.
 - (1) The Chair, if present, shall preside at all Meetings. In the absence of the Chair from a meeting, the Vice Chair shall preside.
 - (2) In the absence of both the Chair and Vice Chair, the Corporate Officer shall call the Meeting to order and call for a motion from the members present to appoint a member to preside as acting Chair pursuant to the *Act*.
 - (3) If the Chair or Vice Chair arrives after commencement of a Meeting at which an acting chair is presiding, he or she shall preside on arrival.

Quorum

- 23.
 - (1) A quorum of the Board is a majority of all the Directors having among them a majority of all the votes and a quorum of a committee is a majority of the members appointed to that committee.
 - (2) The Chair will call the Meeting to order as soon as quorum is present, but not before the time the Meeting was scheduled to commence.
 - (3) If a quorum is not present within thirty minutes after the time established for a meeting, the Corporate Officer shall record the names of the members present and the Meeting shall stand adjourned.

PART 5 – ORDER OF BUSINESS

Order of Business

- 24.
 - (1) The Corporate Officer, in consultation with the Chief Administrative Officer, shall prepare an agenda and circulate a copy of the agenda to each member. If necessary, a supplementary agenda for a Meeting of the Board may be circulated up to 24 hours before the meeting.
 - (2) Unless otherwise determined by resolution of the Board or committee, the order of business for regular board meetings shall be as follows:
 - (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations
 - (e) Consent Agenda
 - (f) Items Removed from the Consent Agenda

- (g) Reports from Committee or Chief Administrative Officer (not included on the Consent Agenda)
 - (h) Motions for Which Notice Has Been Given
 - (i) Other Business
 - (j) Resolution to Close Meeting
 - (k) Adjournment or Conclusion.
- (3) Unless otherwise determined by resolution of the Board or committee, the order of business for regular closed board meetings shall be as follows:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations
 - (e) Reports from Committee or Chief Administrative Officer
 - (f) Motions for Which Notice Has Been Given
 - (g) Other Business
 - (h) Adjournment or Conclusion.
- (4) Unless otherwise determined by resolution of the Board or committee, the order of business for regular committee meetings shall be as follows:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations
 - (e) Reports from Committee or Chief Administrative Officer
 - (f) Information Items
 - (g) Other Business
 - (h) Resolution to Close Meeting
 - (i) Adjournment or Conclusion.
- (5) Unless otherwise determined by resolution of the Board or committee, the order of business for regular closed committee meetings shall be as follows:
- (a) Adoption of the Minutes
 - (b) Delegations
 - (c) Invited Presentations
 - (d) Reports from Committee or Chief Administrative Officer
 - (e) Information Items
 - (f) Other Business
 - (g) Adjournment or Conclusion.
- (6) Unless otherwise determined by resolution of the Board or committee, the order of business for special board or committee meetings shall be as follows:
- (a) Adoption of the Agenda
 - (b) Reports from Committee or Chief Administrative Officer
 - (c) Resolution to Close Meeting
 - (d) Adjournment or Conclusion.
- (7) Unless otherwise determined by resolution of the Board or committee, the order of business for special closed board or committee meetings shall be as follows:
- (a) Adoption of the Agenda
 - (b) Reports from Committee or Chief Administrative Officer

(c) Adjournment or Conclusion.

Addition of Agenda Items by a Member

25. (1) At a meeting, a member may, at the time adoption of the agenda is being considered, propose to place an additional item on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.
- (2) Notwithstanding section 24(1), after the meeting agenda has been adopted, a member may propose to place an item of an urgent matter on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

Minutes

26. (1) As provided in the *Act*, minutes of board meetings must be:
- (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer;
 - (c) signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted; and
 - (d) made available to the public.
- (2) As provided in the *Act*, minutes of a committee meeting must be:
- (a) legibly recorded;
 - (b) signed by the Chair or member presiding at the meeting; and
 - (c) made available to the public.
- (3) The Corporate Officer may, after the minutes have been approved, correct errors in grammar, spelling, and punctuation in the minutes or may insert words necessary to the meaning or continuity of a sentence, but must not make any other change to the minutes which would alter or affect, in a material way, the actual decision made by the Board.

Consent Agenda

27. (1) The consent agenda portion of a board agenda shall consist of staff or committee report items that contain clear 'take action, give approval, or receive for information' recommendations.
- (2) Directors may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a board agenda.
- (3) At any time prior to the vote under section 27(2), a Director may for the purposes of:
- (a) debate or discussion,
 - (b) voting in opposition to a recommendation on the consent agenda, or
 - (c) declaring a conflict of interest with respect to an item on the consent agenda,
- request that an item be removed from the consent agenda. The item will be considered immediately after the consideration of the consent agenda.

Adjourn

28. (1) A meeting which has been in session for four hours from the time the meeting was convened is deemed to be adjourned unless the Board or committee resolves to extend the meeting.

- (2) Notwithstanding section 28(1), a motion to adjourn shall always be in order; if said motion fails, no second motion to the same effect shall be made until some intermediate proceeding shall have been taken.

PART 6 – KEEPING ORDER

Expelling a Person

29. (1) Persons speaking at a Board or committee meeting must:
 - (a) Use respectful language;
 - (b) Not use offensive gestures or signs;
 - (c) Must not engage in bullying or harassing behaviour;
 - (d) Must adhere to the rules of procedures established under this Bylaw and to the decisions of the presiding member and the Board in connection with the rules and points of order.
- (2) If a person who has contravened the general rules of conduct as set out in section 29(1), the presiding member may permit the person to apologize and if the person does so apologize, the presiding member may:
 - (a) permit the person to remain in the meeting; or
 - (b) order the person to leave the meeting immediately if the presiding member is of the opinion that the apology was inadequate.
- (3) The Chair may expel a person from a meeting as provided in the *Charter* as follows:
 - (a) If the Chair considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
 - (b) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (a) as if it were a court order.

Use of Audio or Video Recording Devices

30. (1) No person shall use or operate any audio and or video recording devices at a meeting unless audio and or video recording devices are placed in a location designated by the Chair for that purpose and remain in that location during the course of the meeting.
- (2) Notwithstanding section 30(1), audio and or visual recording devices must not be used or operated during a closed meeting.

Points of Order

31. The Chair shall preserve order and decide all points of order which may arise.

Appeal

32. (1) Any decision of the Chair made under Section 31 may be appealed by a member and on an appeal by a member from the decision of the Chair, the question shall be immediately put by the Chair and decided without debate, "Shall the decision of the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present excluding the Chair.
 - (a) In the event of the votes being equal, the question shall pass in the affirmative.
 - (b) The names of the members voting for or against the question shall be recorded in the minutes.

- (2) If the Chair refuses to put the question "Shall the decision of the Chair be sustained?" per section 32(1), the Board or committee shall immediately appoint a member to preside temporarily and the member so temporarily appointed shall proceed in accordance with Section 32(1) and Subsections 32(1)(a) and 32(1)(b).
- (3) Any resolution or motion carried under the circumstances mentioned in Section 32(2) is as binding as if carried out with the Chair presiding.

PART 7 - DEBATE

General Provisions

33. (1) Where there is a motion under debate a member shall not speak other than on that motion under debate and the matters relating to that motion as set out in Section 34(2).
- (2) No Director shall speak on any question for longer than three minutes without leave of the Chair.
- (3) Section 33(2) does not apply to committees.
- (4) Any member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- (5) No Director shall speak more than once to the same motion without leave of the Chair except:
 - (a) in explanation of a material part of their speech which may have been misunderstood, provided in doing so that Director does not introduce any new matter, and no debate shall be allowed upon such explanation; or
 - (b) in reply by a Director who moved the main motion to the Board, but not to any Director who has moved an amendment or a secondary motion.
- (6) Section 33(5) does not apply to committees.
- (7) If, during debate on a motion, a motion to refer or postpone that motion is put while there remain members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such motion of postponement or referral until those on the list of speakers for the first motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the motion to postpone or refer and, receiving an affirmative response, shall call the question on such motion.
- (8) At any time during debate on a motion, a Director may move "That the vote on the motion be called" and that motion shall be decided without amendment or debate. If the motion "That the vote on the motion be called" is adopted by at least two thirds vote of the members present, the motion consequent thereon shall be immediately called and voted upon without further debate or amendment.
- (9) Section 33(8) does not apply to committees.

PART 8 – MOTIONS

General Provisions

34. (1) A motion shall be made and seconded before being debated or finally put by the Chair.

- (2) When a motion is under debate it is deemed to be in possession of the Board or committee and no motion shall be received unless to amend it, to refer it, to table it, to postpone it to a certain time, to withdraw it, to adjourn, or to call the question.

Amendments

35. (1) Amendments shall be voted on in the reverse order to that in which they are moved.
- (2) Every amendment submitted shall, when requested by any member, be reduced to writing and be decided upon or withdrawn before the main question is called.
- (3) Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion.

Referral

36. A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

Chair Determines Contrary to Rules

37. When the Chair is of the opinion that a motion put before the Board is contrary to the rules of the Board or committee, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances.

PART 9 – NOTICE OF MOTION

Points of Order

38. (1) Any Director desiring to bring before the Board a matter that is not listed on the meeting agenda, other than a point of order or of privilege, shall do so by way of motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and shall be dealt with as provided by Section 38(2).
- (2) Any Director may give notice of a motion to the Board by:
 - (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the Director being acknowledged by the Chair and the notice of motion being read to the Meeting, include it in the minutes of that Meeting as notice of motion and shall add the motion to the agenda of the next regular Board Meeting, or to the agenda of a special Board Meeting scheduled for that purpose; or
 - (b) providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.
- (3) A Notice of Motion may not proceed in the absence of the mover, unless the mover has provided the Corporate Officer with written notification that the Notice of Motion may proceed in their absence.

PART 10 – RECONSIDERATION, RESCISSION OF A RESOLUTION

Chair May Propose Board Reconsideration of a Matter

39. Notwithstanding section 25(1), as provided the *Act* and the *Charter*, the Chair may require Board reconsideration of a matter as follows:
- (1) Without limiting the authority of a Board to reconsider a matter, the Chair may require the Board to reconsider and vote again on a matter that was the subject of a vote.
 - (2) In exercising the power under subsection (1), the Chair may return the matter for reconsideration at the meeting of the Board following the original vote.
 - (3) A matter may not be reconsidered under this section if:
 - (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board,
 - (b) there has already been a reconsideration under this section in relation to the matter, or
 - (c) some action integral to the resolution to be reconsidered has been taken as a result of the previous decision and that action is impossible to undo.
 - (4) On a reconsideration under this section, the Board:
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
 - (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Director, Other Than the Chair, May Propose Board Reconsideration of a Matter

40. (1) After a vote has been taken on any motion, a Director (except the Chair), who voted with the majority for or against that resolution may, at the next regular meeting of the Board following the original vote, introduce a motion to reconsider that resolution in accordance with section 25(1) or section 38(2)(b).
- (2) If a motion to reconsider is defeated, the same or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.

General Provisions for Board Reconsideration

41. (1) When a motion to reconsider has been presented, no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.
- (2) No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

Rescission or Amendment of a Previously Decided Resolution

42. (1) At a Board Meeting, any Director may at any time introduce a motion to rescind or amend a previously decided resolution which has been adopted in the affirmative or

- negative in accordance with section 25(1) or section 38(2)(b), and at a committee Meeting, any member may do so in accordance with section 25(1).
- (2) Notwithstanding section 42(1) a member may at any time introduce a motion to rescind or amend a previously decided resolution if the motion is made at the same meeting as the previously decided resolution.
 - (3) Notwithstanding section 42(1), a motion to rescind or to amend a resolution is not in order under the following circumstances:
 - (a) If some action integral to the resolution now being rescinded or amended has been taken as a result of the previous decision and that action is impossible to undo; or
 - (b) If the resolution is so intimately connected with another resolution that the resolution cannot be considered as a distinct proposition.
 - (4) If a motion to rescind or amend a previously decided resolution is defeated, the same motion or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.

PART 11 - VOTING

Tie Votes

- 43. In all cases where the votes of the members present and entitled to vote, including the vote of the Chair, are equal for and against a question, the question shall be declared in the negative, and it shall be the duty of the Chair or other member presiding to so declare.

Abstention

- 44. Any member present who abstains from voting shall be deemed to have voted in the affirmative.

Recorded Vote

- 45.
 - (1) At a board meeting, a Director may call for a recorded vote, and if so called, the Corporate Officer shall record in the minutes the names of each Director present, the manner in which that Director has voted, and the number of votes assigned to such Director.
 - (2) Section 45(1) does not apply to committees.

Distinct Propositions

- 46. When the motion under debate contains several parts, each of which is capable of standing as a complete proposition if the others are removed, a separate vote upon each such proposition shall be taken if requested by any member.

Members Attendance for Vote

- 47. Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a member has declared a conflict of interest.

PART 12 - BYLAWS

Copies of Proposed Bylaws to Directors

48. Every proposed bylaw shall be in written form before it is considered by the Board and a copy shall be provided to each Director when it is under discussion.

Introducing, Reading, and Adoption Bylaws

49. (1) Every proposed bylaw shall be introduced by motion.
(2) A bylaw shall be deemed to be read when its title or bylaw number is stated.
(3) Every proposed bylaw must be given first, second, and third reading before it is passed and finally adopted.
(4) Every proposed bylaw may be introduced and given first, second, and third readings at the same meeting by one motion for all three readings.
(5) Bylaws that require statutory public hearings prior to their adoption shall be read for the first and second time prior to the holding of the public hearing.
(6) A separate motion that a proposed bylaw be passed and finally adopted must be made at a subsequent meeting, except that as provided in the *Act*, a bylaw that does not require approval, consent, or assent under the *Act* or any other act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least two thirds vote of the Directors present.
(7) As provided in the *Charter*, a Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Certification and Storage

50. (1) When a bylaw is read at a board meeting, the Corporate Officer shall certify the readings and dates at the end of such bylaw. After a bylaw has been adopted the Corporate Officer shall be responsible for its correctness, including any amendments.
(2) Every bylaw which has been adopted by the Board shall be signed without delay by the Chair and the Corporate Officer, and retained by the Corporate Officer for safekeeping.
(3) After their adoption by the Board, all bylaws shall be filed in their regular order and shall have an index prepared for the same.

Repeal of a Bylaw

51. The repeal of any bylaw or part of any bylaw shall not, unless a contrary intention appears, revive any bylaw or Part thereof not in force or existing at the time at which a bylaw takes effect or prevent the effect of any saving clause therein.

PART 13 - DELEGATIONS

General Provisions

52. (1) No person, persons or organization shall appear as a delegation more than once to the same subject matter within six months except to introduce new and material information.

- (2) Each delegation shall be limited to a maximum time of five minutes to make a presentation to the Board or a committee unless otherwise determined by leave of the Chair.
- (3) The Board or committee shall be limited to a maximum of five minutes in which to direct questions to the respective delegation unless otherwise determined by leave of the Chair.
- (4) No more than three delegations may appear at each meeting except with unanimous approval of the Board or committee before which the delegations wish to appear.
- (5) Each delegation may provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for the record.
- (6) The subject matter upon which a delegation wishes to speak must:
 - (a) be within the jurisdiction of the Regional District; and
 - (b) if the delegation wishes to speak to a committee, be within the terms of reference of the committee for which the delegation wishes to appear.
- (7) A request to appear as a delegation at a Council of Councils Committee will not be accepted unless a meeting of the Councils of Council's Committee has been called for the express purpose of hearing delegations on a matter.
- (8) A request to appear as a delegation at a board or committee meeting will not be accepted if it relates to:
 - (a) a bylaw for which a public hearing has already been held and where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw;
 - (b) a matter to be dealt with as a grievance under a collective agreement, or similar employee or labour relations matter;
 - (c) any matter that is before the courts or on which the Board has authorized legal action;
 - (d) a matter in respect of which the Regional District-led public consultation process is planned or in progress;
 - (e) the promotion of commercial projects or services;
 - (f) the promotion of a political party or of a candidate for elected office;
 - (g) a public procurement process for the provision of goods, services or construction for Metro Vancouver Regional District between the time that such procurement process has been posted and the time any resulting contract or proposal call has been awarded, or other final decision made; or
 - (h) any matter on which the delegate has already spoken to the Board and where no new significant information is provided.
- (9) The Corporate Officer or designate shall make the determination on section 52(8) and notify the requestor if the request to appear as a delegation is not accepted.

Regular Delegation - Committee

53. (1) Any person, persons or organization wishing to appear as a regular delegation before a committee shall submit a written request to the Corporate Officer at least seven working days prior to the scheduled meeting.
- (2) The written request must stipulate:
 - (a) the subject matter upon which the delegation wishes to speak;
 - (b) the name of the designated speaker; and

- (c) the specific action which is being requested of the committee by the delegation.
- (3) Each delegation may, at least seven working days before a scheduled meeting, provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee agenda package.
- (4) The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.
- (5) The delegation appearance and the subject of the delegation will be included on the meeting agenda.

Late Delegation - Committee

54. (1) Any person, persons, or organization who deems their interests to be affected by a report on a committee agenda and who, because of circumstances, could not have been expected to give earlier notice pursuant to section 53(1), may request to appear as a late delegation before the committee by submitting a written request, before the meeting is convened, to the Corporate Officer, stipulating:
- (a) the circumstances preventing the delegation from giving earlier notice;
 - (b) how the delegation's interests are affected by a report on a committee agenda;
 - (c) the name of the report that the delegation wishes to speak to;
 - (d) the name of the designated speaker; and
 - (e) the specific action which is being requested of the committee by the delegation.
- (2) The Corporate Officer shall advise the committee Chair of the late delegation request and circulate the written request and the executive summary, if available, to the committee members on table at the committee meeting.
- (3) The committee shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the late delegation request as an additional item on the agenda in accordance with section 25(1).

Delegation - Board

54. (1) Any person, persons, or organization who deems their interests to be affected by a report on a board agenda may request to appear as a delegation before the Board by submitting a written request to the Corporate Officer no later than forty-eight hours prior to the scheduled board meeting stipulating:
- (a) how the delegation's interests are affected by a report on a board agenda;
 - (b) the name of the report that the delegation wishes to speak to;
 - (c) the name of the designated speaker; and
 - (d) the specific action which is being requested of the Board by the delegation.
- (3) The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.
- (4) The Corporate Officer shall advise the Board Chair of the delegation request and circulate the written request and the executive summary, if available, to the Board members on table at the board meeting.
- (5) The Board shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the delegation request as an additional item on the agenda in accordance with section 25(1).

- (6) Where the number of delegation requests exceed three, unanimous consent of the Board is required for adding excess delegations to the agenda.
- (7) Any person, persons or organization who wishes to appear before the Board with respect to an urgent matter may, before the meeting is convened, request the Chair to grant approval to the person, persons, or organizations to appear before the Board, by clearly demonstrating the urgent nature of the request. The Chair shall not be obliged to grant approval of any such late delegation request unless the Chair is satisfied that the nature of the urgent matter prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board.

Invited Presentation – Board or Committee

- 55. (1) The Chair may, under exceptional circumstances, invite a person, persons, or organizations to make a presentation to the meeting. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.
- (2) The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the designated speaker of the date, time and place of the meeting at which the designated speaker is scheduled to appear.

PART 14 - COMMITTEES

Conduct of Business

- 56. Committees shall conduct business under the rules of procedure as set out in Parts 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 as the context requires and unless otherwise provided.

Appointment of Select and Standing Committees

- 57. (1) Select and standing committee appointments may be made pursuant to the *Act* as follows:
 - (a) A board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.
 - (b) The Chair may establish standing committees for matters the Chair considers would be better dealt with by committee and may appoint persons to those committees.
 - (c) Subject to subsection (d), persons who are not Directors may be appointed by the board to a select committee or by the Chair to a standing committee.
 - (d) A majority of the members of a committee, except the Council of Councils' Committee and the Committee responsible for the Regional Economic Prosperity Service, shall be Directors.

Membership

- 58. The Board Chair and Board Vice Chair shall be ex-officio members of all standing committees but shall not be entitled to vote, and shall not constitute quorum.

Voting

- 59. At a committee meeting, a member of a committee shall have one vote only.

Matters Referred to Committee by the Board

60. (1) A committee shall consider and report respectively within the time period established by the Board, on every matter referred to it by the Board, including staff reports, and the committee Chair shall raise the matter before the Board.
- (2) Any committee member shall have the right to submit a minority report.
- (3) Where delegations are heard by a committee, the committee's report to the Board shall include the committee recommendation, notification of the appearance of delegations, and a synopsis of the delegations' submissions to the committee.
- (4) No action of any committee shall be binding on the Board unless the committee has delivered its report to the Board and the Board has adopted such action.

Read a first, second, and third time this _____ day of _____, _____.

Adopted this _____ day of _____, _____.

George V. Harvie, Chair

Dorothy Shermer, Corporate Officer

To: Mayors Committee

From: Dorothy Shermer, Corporate Officer

Date: March 17, 2023

Meeting Date: April 5, 2023

Subject: **Board Procedure Bylaw Review Findings**

RECOMMENDATION

That the MVRD board:

- a) direct staff to bring forward a new Metro Vancouver Regional District Board Procedure Bylaw to replace *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* that incorporates the recommended changes as presented in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings”; and
 - b) direct staff to bring forward a code of conduct based on the Model Code of Conduct produced by the *Working Group on Responsible Conduct*, as outlined in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings.”
-

EXECUTIVE SUMMARY

On February 25, 2022, the Board requested a comprehensive review of the *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014*, as amended (*Procedure Bylaw*), and directed staff to report back with suggested changes. The review was completed by a consultant in August 2022. It found the current *Procedure Bylaw* to be legislatively compliant and largely in keeping with best practices. The consultant report recommends a series of amendments to provide greater procedural clarity, reduce redundancies, and facilitate interpretation through the use of plain language. This report 1) brings forward amendments proposed in the consultant report; 2) outlines the newly legislated requirement for considering the establishment of a code of conduct and recommends establishing such code; and 3) proposes additional amendments to the *Procedure Bylaw* to differentiate electronic meetings from electronic participation, which will enable greater flexibility in determining the appropriate meeting type for each meeting.

PURPOSE

To bring forward recommendations for the MVRD Board to update its *Procedure Bylaw* and recommend the establishment of a code of conduct.

BACKGROUND

At its meeting held on February 25, 2022, the Board requested a review of the *Procedure Bylaw* and adopted the following:

That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.

In June 2022, the BC Government amended the *Community Charter* to require all local governments in the province to consider establishing a code of conduct for its members.

Following this direction, this report brings forward for board consideration the findings of the comprehensive review of the *Procedure Bylaw* that was completed in August 2022, including the consideration for establishing a code of conduct.

PROCEDURE BYLAW REVIEW

The Board's *Procedure Bylaw* establishes the general meeting procedures to be followed by the Boards and Committees in conducting business. The *Procedure Bylaw* has been amended six times since it was adopted in 2014 to respond to changing circumstances, but has not undergone a thorough review since then. Therefore, a review of the *Procedure Bylaw*, including consideration for including a code of conduct, is warranted at this time.

Scope of the Review

An independent consultant reviewed the current *Procedure Bylaw* against the following:

- Procedure bylaws and codes of conduct from 23 member jurisdictions and other regional districts;
- Ministry and Local Government Management Association's model *Procedure Bylaw Guide*, including the new electronic meeting framework, public notice changes, and responsible conduct;
- Applicable provisions of the *Local Government Act* and *Community Charter*; and
- Other meeting best practices and procedural authorities.

Findings of the Review

The consultant's report is provided for information in Attachment 1. The report finds the current *Procedure Bylaw* to be legislatively compliant and largely in keeping with best practices. The report recommends a series of amendments to provide greater procedural clarity, reduce redundancies, and facilitate interpretation through the use of plain language. A summary of the recommendations is provided in the table below.

Section	Consultant Recommendations
Part 1 – Introduction	<ul style="list-style-type: none">• Update address• Replace references to specific sections of legislation with general references to legislation
Part 2 – Election of Chair and Vice Chair	<ul style="list-style-type: none">• Add a provision requiring the Board Chair candidate to consent to the nomination• Add a section permitting a candidate to address the board after being nominated, including the allotted speaking time• Add a provision allowing candidates to be nominated if not present• Consider including a section that specifies how the election is to be conducted by secret ballot if the meeting is held electronically• Simplify determination of election results in case of three(or more)-way ties

Section	Consultant Recommendations
Part 3 – Meetings	<ul style="list-style-type: none"> • Add a new section before 3.1.3 to specify requirements for cancelling or rescheduling meetings • Clarify requirements for calling special meetings – 24-hour notice • Move and renumber sections addressing in person meetings and electronic meetings • Replace quotation of <i>Community Charter</i> sections with references to the <i>Charter</i> • Replace references to specific sections of legislation with general references to legislation • Specify that the Corporate Officer may send designates to attend meetings
Part 4 – Quorum	<ul style="list-style-type: none"> • Specify the Chair’s duty to preside upon arrival
Part 5 – Order of Business	<ul style="list-style-type: none"> • Add standard order of business for closed meetings • Add section to address agenda preparation and circulation • Replace references to specific sections of legislation with general references to legislation • Specify that minutes are available to the public • Add ability to correct minor errors in adopted minutes • Clarify order of precedence of motion to adjourn
Part 6 – Keeping Order	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Clarify language for challenging Chair rulings • Add requirements for respectful language and conduct, and procedures for addressing conduct issues
Part 7 – Debate	<ul style="list-style-type: none"> • Replace confusing terms with plain language terms
Part 8 – Motions	<ul style="list-style-type: none"> • Update terms to conform with Robert’s Rules of Order
Part 9 – Notice of Motion	<ul style="list-style-type: none"> • Clarify definition of “new matter” • Add section to allow members’ notices of motion to proceed in their absence with the mover’s written consent
Part 10 – Reconsideration, Rescission of a Resolution	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Correct section reference • Clarify that executed matters are excluded from reconsideration • Specify time limit for reconsideration of the same matter
Part 11 – Voting	<ul style="list-style-type: none"> • Replace quotation of <i>Community Charter</i> sections with references to the <i>Charter</i>
Part 12 – Bylaws	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Specify that Public Hearings, where required, are held after second reading • Remove requirement to seal bylaws

Section	Consultant Recommendations
Part 13 – Delegations	<ul style="list-style-type: none"> • Clarify limit of speaking once per subject matter and add minimum timeframe for repeated delegations • Clarify retention of delegation presentations • Provide clarification on prohibited items (e.g. item for which Public Hearing has been held, subject of litigation, commercial promotions, etc.) • Limiting the number of delegations at each meeting • Replace confusing terms with plain language terms
Part 14 – Committees	<ul style="list-style-type: none"> • Replace references to specific sections of legislation with general references to legislation • Clarify committee responsibility to consider staff reports

Code of Conduct

In June 2022, the *Community Charter* was amended to include new sections (113.1 and 113.2) that require a board, within six months after its first regular meeting following a general local election, to decide whether to establish a code of conduct or review an existing code of conduct. A code of conduct is a written document that sets shared expectations for conduct or behavior, and establishes shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.

The Work Group on Responsible Conduct (WGRC) is a joint initiative of the Union of BC Municipalities (UBCM), the Ministry of Community Sport and Cultural Development (the Ministry) and the Local Government Management Association (LGMA). The WGRC has developed a Model Code of Conduct that provides local government council or board members with a set of principles and general standards of conduct that can be used to develop their own code of conduct.

Per the *Community Charter*, in considering whether to establish a code of conduct for members, the Board must review the following prescribed principles for codes of conduct:

1. Integrity – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, and is truthful and honourable.
2. Respect – means having due regard for others’ perspectives, wishes, and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes, and rights of others and an understanding of the role of the local government.
3. Accountability – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.

4. Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

In the event that the Board decides not to establish a code of conduct, the Board must make available to the public a statement explaining this decision. It should be noted that the six-month time limit (May 25, 2023 for the Metro Vancouver Board) is for deciding whether to establish a code of conduct, not for establishing such a code. As the process of developing and adopting a code of conduct is essential to establishing shared expectations, the Board is encouraged to undertake a considered, thorough process. If directed, staff will bring forward a draft code of conduct for the Board's consideration and discussion; this draft code of conduct would be based on the Model Code of Conduct produced by the Working Group on Responsible Conduct.

ELECTRONIC MEETINGS AND ELECTRONIC PARTICIPATION

The Consultant's review of the *Procedure Bylaw* was completed while Board and Committee meetings were still, in response to the pandemic, being held electronically with or without in-person attendance. Since that time, a shift to in-person meetings has occurred, which has highlighted the need for greater clarity in differentiating between in-person, electronic, and hybrid meetings.

The current *Procedure Bylaw* does not differentiate between electronic meeting and electronic participation, nor between electronic meetings and hybrid meetings. Any meeting in which a remote participant is to be accommodated, even if intended to be an in-person meeting, must be held as an electronic meeting, which removes the ability to require other members to attend in-person. Under the current *Procedure Bylaw*, the Board may, by resolution, specify that a meeting requires in-person attendance by members, and the Chair may make this determination independently as long as seven days' notice is provided. Members may waive the notice requirement by a unanimous vote, or the Chair can remove the requirement if unsafe conditions exist. The *Procedure Bylaw* does not address the authority or method of converting an in-person meeting to an electronic one aside from situations where unsafe conditions exist for the members to meet in person.

In response to the need for clarity on conversion between meeting types, and the need for Board and Committee Chairs and members to determine how their meetings are best held, staff propose adding clear differentiations between in-person meetings, hybrid meetings, and electronic meetings, as well as a mechanism for allowing electronic participation in in-person meetings. The proposed framework is laid out in the table below.

	In-Person Participation	Electronic Participation
In-Person Meeting (A)	Mandatory	Not available
In-Person Meeting (B)	Mandatory	Available for exceptional circumstances
Hybrid Meeting	Available option	Available option
Electronic Meeting	Not available	Mandatory

Under the new framework, Board and Committee Chairs will have the ability to specify whether meetings should be electronic, hybrid, or in-person; and, in the case of in-person meetings, specify whether electronic participation should be available under exceptional circumstances. In cases where electronic participation in an in-person meeting is permitted for members experiencing exceptional circumstances that prevents them from attending in person, the process of allowing the specific members to participate electronically can be handled administratively. The new framework will provide procedural certainty for establishing meeting types as well as for converting meeting types.

SUGGESTED PROCEDURE BYLAW CHANGES

Since recommended amendments include reordering sections and adding new sections, *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* should be replaced rather than amended. The recommended changes to the Procedure Bylaw are as follows:

- **Housekeeping changes** – updating address; replace references to specific sections of legislation with general references to legislation; replace quoted sections of legislation with general references to legislation; replacing confusing terms with plain language terms; update terms to conform with Robert’s Rules of Order; correct section references.
- **Add clarity by specifically including long-standing practices and interpretations** – specify that the Corporate Officer may send designates to attend meetings; specify the Chair’s duty to preside upon arrival; add standard order of business for closed meetings; add section to address agenda preparation and circulation; specify that minutes are available to the public; specify that 24-hour notice is required for calling special meetings; clarify order of precedence for motions to adjourn; clarify that executed matters are excluded from reconsideration; specify that Public Hearings, where required, are held after second reading; clarify committee responsibility to consider staff reports.
- **Chair Elections** – clarify requirement to consent to nominations for position of Board Chair or Vice-Chair; add provisions for allowing absent candidate to be nominated and to consent to the nomination; specify allotted time for candidate to address the Board; specify how the election is to be conducted by secret ballot if the meeting is held electronically; simplify determination of election results in the case of three (or more) way ties by using the same method for determining two-way ties.
- **Rescheduling or Cancelling Meetings** – add provisions to specify how meetings can be rescheduled or cancelled.
- **Notice of Motion** – clarify “new matter” as “matter that is not listed on the meeting agenda”; add provision to allow members’ notices of motion to proceed in their absence with the mover’s written consent.
- **Reconsideration** – add six-month waiting period for repeating reconsideration motions.
- **Bylaws** – remove requirement to place corporate seal on bylaws.
- **Delegations** – clarify that delegations cannot appear more than once “on the same subject matter” instead of “on the same agenda item” within six months; specify that only the executive summary of up to two pages from delegations is retained; limit the maximum number of delegations at each meeting to three, except with unanimous board approval; add list of prohibited delegations (e.g. item for which Public Hearing has been held, subject of litigation, commercial promotions, and other commonly prohibited delegations).

- **Electronic Meetings and Electronic Participation** – add clear differentiations between in-person meetings, hybrid meetings, and electronic meetings, as well as a mechanism for allowing electronic participation in in-person meetings; add provisions for administrative handling of request for electronic participation in in-person meetings; add procedures for establishing meeting types and converting meeting types.

ALTERNATIVES

1. That the MVRD board:
 - a) direct staff to bring forward a new Metro Vancouver Regional District Board Procedure Bylaw to replace *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014* that incorporates the recommended changes as presented in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings”; and
 - b) direct staff to bring forward a code of conduct based on the Model Code of Conduct produced by the *Working Group on Responsible Conduct*, as outlined in the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings.
2. That the MVRD board refer the report dated March 17, 2023, titled “Board Procedure Bylaw Review Findings,” back to staff for inclusion of additional changes to the bylaw provisions.
3. That the MVRD board provide the following statement respecting the reasons for not establishing a code of conduct: **[insert statement]**.

FINANCIAL IMPLICATIONS

There are no financial implications or budgetary impacts associated with any of the proposed changes to the meeting procedures outlined in this report.

CONCLUSION

This report brings forward proposed amendments resulting from a comprehensive *Procedure Bylaw* review undertaken at the request of the Board in 2022, as well as additional amendments to differentiate between electronic meetings and electronic participation, which will enable greater flexibility in determining the appropriate meeting type for each meeting. The report also outlines the newly legislated requirement for considering the establishment of a code of conduct and recommends establishing such code. Should the Board proceed with Alternative 1, staff will bring forward a new *Procedure Bylaw* and a code of conduct for the Board’s consideration. Should the Board require additional changes to the *Procedure Bylaw*, they may provide this direction at the meeting in addition to Alternative 1, or refer the report back to staff for additional changes as laid out in Alternative 2. If the Board opts not to establish a code of conduct, it must adopt a statement respecting the reasons for not establishing a code of conduct as laid out in Alternative 3. Staff recommend Alternative 1.

Attachments

1. “Metro Vancouver Procedure Bylaw Review”, August 2022, Prepared by Sonia Santarossa.
2. *Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014*, unofficial consolidation.

METRO VANCOUVER

PROCEDURE BYLAW REVIEW

August 2022

Prepared by: Sonia Santarossa, MA

Page left blank intentionally

TABLE OF CONTENTS

Table of Contents

TABLE OF CONTENTS.....	3
1. INTRODUCTION.....	4
i. Project Overview	4
ii. Methodology	4
2. BACKGROUND.....	5
i. Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 (Consolidated).....	5
3. GAP ANALYSIS AND RECOMMENDATIONS	7
i. Part 1 - Introduction.....	7
ii. Part 2 – Election of Chair and Vice Chair	10
iii. Part 3 - Meetings	13
iv. Part 4 - Quorum.....	26
v. Part 5 – Order of Business	28
vi. Part 6 – Keeping Order	33
vii. Part 7 - Debate.....	36
viii. Part 8 - Motions.....	38
ix. Part 9 – Notice of Motion	39
x. Part 10 – Reconsideration, Rescission of a Resolution	41
xi. Part 11 - Voting.....	45
xii. Part 12 - Bylaws	47
xiii. Part 13 - Delegations	50
xiv. Part 14 - Committees	56
4. ADDITIONAL SECTIONS FOR CONSIDERATION	58
In addition to some of the additional sections already noted in the report, staff may wish to consider adding the following sections to the Bylaw if applicable:	58
5. PUBLIC NOTICE REQUIREMENTS	58
6. RESPONSIBLE CONDUCT OF LOCALLY ELECTED OFFICIALS	61
7. APPENDICES	63

1. INTRODUCTION

i. Project Overview

In February 2022, Metro Vancouver Board directed staff to undertake a review of its current Procedure Bylaw 1205, 2014 (the “Bylaw”).

“That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.”

Metro Vancouver retained Sonia Santarossa (the “Consultant”) to undertake this review in accordance with the Project Scope (the “Project”) attached in Appendix A.

ii. Methodology

In keeping with the Project Scope, the Consultant conducted the following review:

- Metro Vancouver Procedure Bylaw No. 1205, 2014 (consolidated)
- “Procedure Bylaw Guide: For B.C.’s Local Governments” (the “Ministry/LGMA Guide”) - Ministry of Municipal Affairs and Local Government Management Association (LGMA): [Procedure Bylaw Guide: For B.C.'s Local Governments](#)
- “Guidance for Adapting to the New Electronic Meetings Framework” – Ministry of Municipal Affairs: [Guidance for Adapting to the New Electronic Meetings Framework \(gov.bc.ca\)](#)
- “Public Notice Guidance Materials: For B.C. Local Governments” – Ministry of Municipal Affairs: [Public Notice Guidance Materials: For B.C. Local Governments](#)
- Public Notice Regulation B.C. Reg. 52/2022: [Public Notice Regulation \(gov.bc.ca\)](#)
- Responsible Conduct of Locally Elected Officials: [Responsible conduct of locally elected officials - Province of British Columbia \(gov.bc.ca\)](#)
- *Local Government Act* and *Community Charter* – applicable provisions
- Roberts Rules of Order and other similar meeting rules authority – select provisions
- Member jurisdictions and other Regional District Procedure Bylaws and Code of Conduct

In addition to the Project Scope, the Consultant met with the Director of Board and Information Services/Corporate Officer to identify specific areas of focus in the current Procedure Bylaw.

2. BACKGROUND

i. Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 (Consolidated)

Section 225 of the *Local Government Act* stipulates that a board must, by bylaw:

- “1(a) establish the general procedures to be followed by the board and by board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;*
- (b) provide for advance public notice respecting the date, time and place of board and board committee meetings and establish the procedures for giving that notice;*
- (c) identify places that are to be public notice posting places for the purposes of the application of section 94 [requirements for public notice] of the Community Charter to the regional district.*
- 2. A bylaw adopted under this section must not be amended, or repealed and substituted, unless the board first gives notice in accordance with section 94 of the Community Charter describing the proposed changes in general terms.”*

The current Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 was adopted in 2014. Since then, the Bylaw has been amended six times to respond to changing circumstances. The following is a summary of the Procedure Bylaw amendments:

- January 2017 – changing December 1 date to November 1 to reflect new election cycle; updating new legislative section numbers
- January 2018 – update definition of “posting place” and location of Board meetings; replacing references to “Greater Vancouver Regional District” with “Metro Vancouver”
- February 2020 – majority of the members of a committee, except Council of Councils’ Committee responsible for the Regional Economic Prosperity Service, shall be directors
- March 2020 – authority for a board or board committee member to participate electronically due to a public health event as determined by the Chair
- June 2021 – adding a new section to Part 13 (Delegations) restricting a delegation request in relation to a public procurement process that has been initiated
- September 2021 – addition and amendment of definitions; replacing sections 3.1 to 3.6.2 and replacing with new sections

In addition to the above, the Consultant met with the Corporate Officer where the following areas of focus for the review were identified:

- Delete sections where language already included in legislation
- Part 1: Introduction:
 - Update address noted in “posting place” definition
- Part 2: Election of Chair and Vice Chair
 - Section 2.8 (Tie Vote) – review procedures
- Part 3: Meetings:
 - Section 3.15 (Corporate Officer to attend) – include “or designate”
 - Special meetings that occur on an annual basis, i.e. budget consideration, are

- included on annual meeting schedule – are they now considered regular meetings and the agenda should follow the prescribed order of business?
 - Electronic Meeting provisions
- Part 5 – Order of Business:
 - Section 5.1.1(l) – Rise and Report – clarify intention and use of this section
 - Section 5.7.1 (Adjourn) – clarify language and intent of section
- Part 6: Keeping Order:
 - Section 6.2 (Use of audio and or video recording devices) – determine if provision is still required
 - Section 6.4 (Appeal) – clarify language
- Part 7 – Debate:
 - Section 7.4(b) (Debate) – clarify language
- Part 8 Motions:
 - Section 8.2 (Motion) – clarify “to table” – intent and proper usage of term
- Part 9 – Notice of Motion:
 - Section 9.1 (Notice of Motion) – clarify definition of ‘new matter’ –
- Part 10: Reconsideration, Rescission of a Resolution:
 - Section 10.2(Director, other than the chair, may propose board reconsideration of a matter) – does this include committee members? – can reconsideration occur at committees?
- Part 11 – Voting:
 - Section 11.5 (Conflict of Interest) – delete? Repeated in legislation
- Part 12: Bylaws:
 - Section 12.11 (Certification and storage) – delete reference to “sealed with the seal of the Board” – seal no longer required and not a common practice
- Part 13 – Delegations:
 - Section 13.1 (General Provisions – Delegations) clarify intent of ‘same agenda item’ – does this mean “subject matter”? Can delegations attend more than once – repeat delegations at different bodies?
 - Section 13.3 – what does keeping the material on ‘the record’ mean? Should the information be attached to the minutes or kept on file?
 - Section 13.4.2 – consider additional restrictions on what a delegation can speak to
 - Section 13.8 (Delegation – board) – clarify definition of “emergency”. Is this the same as urgent?
- Part 14 – Committees:
 - Section 14.5 (Matters Referred to Committee by the Board) – does this include staff reports to committee?

3. GAP ANALYSIS AND RECOMMENDATIONS

The following gap analysis includes a comprehensive review of each section of Metro Vancouver Regional District Procedure Bylaw No. 1205, 2014 in relation to the documents noted in Part 1(ii) – Methodology.

In addition to the procedures bylaws of the member jurisdictions, the Consultant also reviewed the Capital Regional District and Fraser Valley Regional District procedure bylaws.

Each part of the Bylaw was cross-referenced with the Ministry/LGMA Guide to confirm if the legislated requirements for the procedure bylaw were included along with the best practice provisions. The legislated requirements that are not included in the Bylaw are highlighted in yellow and the best practices that are not included are highlighted in blue.

i. Part 1 - Introduction

a. Title

- 1.1 *This bylaw shall be cited as “Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014.”*

b. Definitions

See section 1.2 of the Bylaw.

Comments:

The “posting place” definition includes reference to the former address of the Metro Vancouver Regional District Offices.

The Bylaw makes reference to specific sections of the *Local Government Act* or *Community Charter*. In the event the sections to the legislation change over time, the Bylaw would need to be amended to update the section references.

Recommendations:

1. Revise “posting place” definition by replacing “4730 Kingsway” with “4515 Central Boulevard”.
2. Remove reference to specific sections of the legislation in the following definitions:
 - a. If a “select committee” – replace “pursuant to section 218 [Appointment of select and standing committees] of the Act...” with “pursuant to the Act”.

c. Application of Rules of Procedure

1.3 The rules of procedure as set out in this bylaw apply to all meetings of the Board and committees except as otherwise provided.

1.3.1 The Standing Orders of the Legislative Assembly of British Columbia, not including the House of Commons of the United Kingdom of Great Britain and Northern Ireland, shall as far as they may be applicable, apply to all unprovided cases of the proceedings of the Board and committees

Comments:

Application of Procedural Rules:

Procedural rules are commonly agreed upon rules and customs for deliberation and debate and are not legislated. In some cases, procedural matters are not explicitly set out in the procedure bylaw and in these instances, the procedure bylaw would defer to another parliamentary resource. The inclusion of this section is not a legislated requirement.

Metro Vancouver refers to the Standing Orders of the Legislative Assembly of British Columbia for all unprovided cases of the proceedings of Boards and committees and this has been the case for many years, possibly since the incorporation of the Regional District. The other local governments consulted for this review refer to the latest edition of Robert's Rules of Order.

Recommendation:

No change required.

d. Motion to Suspend the Rules

1.4 Any member may give notice of a motion to temporarily suspend any one or more of the rules contained in this Bylaw, provided that such suspension is not inconsistent with or in contravention of any statutory requirement, by providing the Corporate Officer with a written copy of such motion no later than two working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting. The notice must specify which rule is to be temporarily suspended and the item on the agenda to which that suspension will apply.

1.5 At a meeting, any member may at any time introduce a motion to temporarily suspend any one or more of the rules contained in this Bylaw provided that such suspension is not inconsistent with or in contravention of any statutory requirement, but such motion may only be adopted by at least two thirds vote of the members present.

Comments:

The Bylaw allows a member to introduce a motion at the meeting or to give notice of motion to temporarily suspend a rule in the Bylaw by providing written notice.

Approximately 1/3 of the procedure bylaws consulted included a section to temporarily suspend the rules with at least 2/3 vote of the members present. This is consistent with Metro Vancouver's Procedure Bylaw. This provision is not a legislated requirement to be included in the procedure bylaw.

Recommendation:

No change required.

ii. **Part 2 – Election of Chair and Vice Chair**

2.1 As provided in section 215 [Chair and vice chair of board] of the Act:

- (1) At the first meeting held after November 1 in each year, the Board must elect a Chair and a Vice Chair.*
- (2) The Vice Chair has, during the absence, illness or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.*
- (3) If the Chair and the Vice Chair are not present at a meeting of the Board, the directors present may elect an acting Chair who, during that meeting, has all the powers of the Chair and is subject to all rules applicable to the Chair.*
- (4) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.*

2.2 The call for nominations for the office of Board Chair shall be conducted by the Corporate Officer, and the call for nominations for the office of Board Vice Chair shall be called by the Board Chair.

2.3 If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation.

2.4 If more than one candidate is nominated for an office, an election by voting shall be held and voting shall be conducted by secret ballot.

2.5 The counting of ballots shall be conducted by the Corporate Officer together with the Treasurer or Corporate Solicitor. Immediately thereafter the ballots shall be destroyed.

2.6 The candidate with the most votes for an office shall be declared elected to that office.

Tie Vote

2.7 In the event of a tie vote for the most votes of two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by lot between those candidates as follows:

- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;*
- (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;*
- (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;*
- (d) a person who is not a candidate shall be asked to withdraw one paper;*
- (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.*

2.8 In the event of a tie vote for the most votes of more than two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by preferential ballot system

Comments:

The Ministry/LGMA Guide notes the following with respect to the election of the Chair and Vice Chair:

Legislative Requirements – LGA s. 215	Metro Vancouver Procedure Bylaw
At the first meeting held after November 1 each year, the board must elect a chair and vice chair	s. 2.1
The same rules and powers apply to the vice chair in the absence of the chair	s. 2.1(2)
If the chair and vice chair are not present the directors must elect an acting chair	s. 2.1(3)
Each director present at the meeting has one vote in each election for an office	s. 2.1(4)
Best Practices	
Outline the process to elect the chair and vice chair in the procedure bylaw, which may include: <ul style="list-style-type: none"> How nominations are made If the candidate is not present at the meeting how their nomination can be provided Conducting the vote by secret ballot using a ballot box Whether time (and how much) is provided for candidates to address the board Process for a tie 	s. 2.2 s. 2.4 s. 2.7 & s. 2.8

The Bylaw includes procedures for all of the above with the exception of the following:

- how nominations can be provided if a candidate is not present; and
- whether candidates can address the board after their nomination.

Absence of Candidate:

The Capital Regional District Procedure Bylaw s. 5(3) states “If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.”

Candidates May Address the Board:

The Capital Regional District Procedure Bylaw s. 5 states the following:

“(4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.”

The Fraser Valley Regional District Procedure Bylaw s. 4.10.8 states the following:

“Prior to the vote being conducted, persons running for office of Board Chair shall be afforded the opportunity to address the Board for one(1) minute prior to the vote on the first ballot being taken.”

Tie Vote: Section 2.8 of the Bylaw refers to the procedures for a tie vote for the most votes of more than two candidates. Similar to s. 2.7 of the Bylaw, up to three elections are to be held to determine a definitive election result. In the event a definitive result cannot be achieved after three elections, then the result of the election is to be determined by preferential ballot system. It is unclear what is meant by this and it is unlike the ‘determination by lot’ as referenced in s. 2.7.

Other Procedures for Consideration

Candidate’s Consent:

Both the CRD and FVRD Procedure Bylaws note the requirement for the candidate to consent to the nomination. This is not included in the Metro Vancouver Bylaw.

Electronic Voting by Secret Ballot:

The FVRD Procedure Bylaw includes the following s. 4.10.15:

“For elections that take place while a meeting is being held by electronic or other communication facilities, if voting by secret ballot is not practical, Board Members may place their vote by way of an individual, confidential phone call to the Corporate Officer.”

Recommendations:

1. Section 2.1 - remove reference to the specific section of the legislation
2. Add a provision requiring the candidate to consent to the nomination.
“2.2.1 A candidate must consent to the nomination.”
3. Add a provision allowing candidates to be nominated if not present.
“2.2.2 If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.”
4. Add a section permitting a candidate to address the board after being nominated including the amount of time.
“2.4.1 At the close of nominations, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed four (4) minutes in duration.”
5. Consider including a section that specifies how the election is to be conducted by secret ballot if the meeting is held electronically.
“2.4.2 For elections that take place while a meeting is being held by electronic or other communication facilities, if voting by secret ballot is not practical, Board Members may place their vote by way of an individual, confidential phone call to the Corporate Officer.”
6. Delete s. 2.8 and amend s. 2.7 to add the words “or more” in between
“two...candidates.”

iii. Part 3 - Meetings

a. Regular Board Meetings – Date, Time and Place

3.1 No later than the last board meeting in November, the Corporate Officer shall provide an annual schedule of regular board meetings for the upcoming year, including the date, time and place of meetings, and meetings shall be held accordingly unless otherwise determined by resolution of the Board.

3.1.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of regular board meetings at the posting place.

3.1.2 In the case of regular board meetings conducted as Electronic Meetings, advance public notice must include:

(a) the way in which the Electronic Meeting will be conducted; and

(b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.1.3 In the event of a change to a regular board meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place

Comments:

The Ministry/LGMA Guide notes the following with respect to providing notice of regular meetings:

Legislative Requirements – LGA s. 225(1)(b) and (c)	Metro Vancouver Procedure Bylaw
Provide advance public notice of the date, time and place of board meetings and establish the procedures for giving notice	s. 3.1
Identify places to be public notice posting places	s. 1.2
Best Practices	
May provide notice in accordance with the <i>Community Charter</i> s. 94 public notice requirements of the availability of the schedule of regular meetings at least once a year in the public notice posting places	
Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules	s. 3.1.3
Identify whose role it is to post notice to the public notice posting places	s. 3.1.1
Provide how the public may access the meeting remotely, if available.	s. 3.1.2

Unlike municipalities, regional districts are not required to provide annual notice of the schedule of regular meetings in accordance with s. 94 of the *Community Charter*, however, it is recommended that a regional district do so. The Bylaw provides for the posting of an annual schedule of meeting at the posting place including providing advance notification of whether the meeting is to be conducted by electronic means. The Bylaw also includes procedures in the event of any changes to the regular schedule or how the meeting is to be conducted.

The procedure bylaws that were reviewed include similar provisions.

Schedule of Meetings

Most of the procedure bylaws reviewed indicate the date, time and place for the meetings, e.g. on the 1st and 3rd Monday of the month at 7:00 pm in the Council Chambers unless otherwise resolved by Council.

The Bylaw does not specify the date, time or place for time board meetings but requires the Corporate Officer to provide an annual schedule before the end of November in each year. This schedule is then posted in the public notice posting places.

Included in the annual schedule are “special” meetings to deal with one specific item only such as the budget. Because these meetings form part of the annual schedule, it has been asked whether these meetings are considered “special” or “regular” meetings. The distinction is important to determine the order of business as set out in section 5.1.

A special meeting is a board meeting other than a regular or statutory meeting and are typically held to address specific items outside of the regular meeting schedule. The Ministry website states:

- *A council or board may choose to schedule special meetings at budget time to allow members to focus solely on their review of the municipality or board’s proposed financial plan.*
- *Councils and boards may choose to hold special meetings to debate important development projects or the implications of major events to the municipality or regional district.*

Additional notice requirements are required for special meetings.

Because these meetings are scheduled in advance and form part of the annual schedule, it could be argued that they are a regular meeting and therefore the Order of Business for regular meetings would apply. Legal review may be required in this instance to ensure the meeting is not challenged.

Cancelled or Rescheduled Meetings

The Bylaw does not include provision on how a meeting may be cancelled or rescheduled. The majority of the procedure bylaws that were reviewed include a process on who and how a meeting may be cancelled or rescheduled such as:

- Council resolution
- Mayor may request
- Corporate Officer may in consultation with the Mayor

Recommendations:

1. Add a new section before 3.1.3 as follows:

“Regular board meetings may:

- (a) Be cancelled by a majority vote of the Board;
- (b) Be postponed to a different day, time and place by the Chair, provided that the Corporate Officer is given at least two days written notice;
- (c) Be cancelled, postponed or rescheduled by the Corporate Officer in consultation with the Chair and Chief Administrative Officer

OR

“The regular Board meeting schedule may be altered from time to time by resolution of the Board and with advance public notice.”

b. Regular Committee Meetings – Date, Time and Place

3.2 As soon as possible after the Board Chair has established committees, the Corporate Officer shall establish an annual schedule of committee regular meetings including the date, time, and place of the meetings and provide the annual schedule of committee regular meetings to each member of each committee.

3.2.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of committee regular meetings at the posting place.

3.2.2 In the case of regular committee meetings conducted as Electronic Meetings, advance public notice must include: (a) the way in which the Electronic Meeting will be conducted; and (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.2.3 A committee Chair may call additional meetings, or cancel a meeting, change the date, time, or place of a regular meeting where circumstances require.

3.2.4 In the event of a change to a regular committee meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place

Comments:

The Ministry/LGMA Guide notes the following with respect to providing notice of committee meetings:

Legislative Requirements – LGA s. 225(1)(b) and (c)	Metro Vancouver Procedure Bylaw
Provide advance public notice of the date, time and place of board meetings and establish the procedures for giving notice	s. 3.2
Identify places to be public notice posting places	s. 1.2
Best Practices	
Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules	s. 3.2.3 & s. 3.2.4
Identify whose role it is to post notice to the public notice posting places	s. 3.2.1
Provide enough notice time for the public to be aware of committee meetings	s. 3.2
Provide written notice of committee meetings to each committee member	s. 3.1.3
Post regularly scheduled committee meeting dates, times and locations in the public notice posting place	s. 3.2.1
Provide how the public may access the meeting remotely, if available.	s. 3.2.2

Recommendations:

No changes required.

c. Special Meetings – Calling and Conduct

3.3 Pursuant to section 220 [Calling of special board meetings] of the Act, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members, by notice mailed to each member at least five days before the date of the meeting to the address given by each member to the Corporate Officer for that purpose.

3.4 The notice shall state the general purpose of the meeting and the day, time and place of the meeting, as well as whether the meeting is to be conducted as an Electronic Meeting or an In-Person Meeting.

3.4.1 In the case of Special Meetings conducted as Electronic Meetings, notice must include:
(a) the way in which the Electronic Meeting will be conducted; and
(b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

3.5 The notice of any special meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

3.6 In an emergency, notice of a special meeting may be given with the consent of the Chair and two members, less than five days before the date of the meeting, and notice of the meeting does not need to be given in writing.

Special Meeting – Advance Public Notice

3.7 At least one working day before a special meeting the Corporate Officer must give advance public notice of the day, hour and place of the meeting by way of a notice posted at the posting place.

3.8 Section 3.7 does not apply when notice to the members has been waived under section 3.5 or given under section 3.6 and it is otherwise impractical to provide the advance public notice under section 3.7

Comments:

A special meeting is a board meeting other than a regular or statutory meeting and are typically held to address specific items outside of the regular meeting schedule. Examples include review of the proposal financial plan or a major project.

New Provisions:

New Public Notice Posting Requirements were recently introduced and as such the notice for special board meetings as outlined in section 220 of the *Local Government Act* has been amended to include the same requirements as that of municipalities under section 127 of the *Community Charter*. See Section 5 of this report for further information on the new Public Notice Posting Requirements.

This means that notice of a special board meeting must be given at least 24 hours before the time of the meeting by:

- Posting a copy of the notice at the regular board meeting place
- Posting a copy of the notice at the public notice posting place; and
- Leaving one copy of the notice for each board member at the place where the member has directed that notice be provided (this can be by email).

The notice must include the date, time and place of the meeting and describe in general terms the purpose of the meeting. The notice must be signed by the chair or corporate officer. Notice of the meeting may be waived by unanimous consent.

In addition to the above, the Ministry/LGMA Guide notes the following with respect to public notice of special meetings:

Legislative Requirements – LGA s. 220, s. 222 and <i>Regional District Special Voting Regulation B.C. Reg 41/91</i>	Metro Vancouver Procedure Bylaw
On the request of the chair or two directors, the Corporate Officer must call a special meeting	s. 3.3
The Corporate Officer must provide notice of the special meeting to each director by mail at least five days before the meeting date	s. 3.3 – to be amended

Notice must state the general purpose, date, time and place of the meeting	s. 3.4 including whether the meeting will be held in person or electronically
Notice of a special meeting may be waived by unanimous vote of all directors; and	s. 3.5
In the case of an emergency, with consent of the chair and two directors, notice of a special meeting may be given less than five days before the date of the meeting and does not have to be written	s. 3.6
Best Practices	
Outline a process to provide public notice of special meetings	s. 3.3
If the special meeting notice requirements are waived by the board, clearly document the reasons in the minutes and try to provide some notice to board members and the public	

Recommendations:

1. Amend s. 3.3 as follows:

"Pursuant to the Act, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members at least 24 hours in advance by posting a copy of the notice at the regular board meeting place and public notice posting places, and by leaving one copy for each member at the place given by each member to the Corporate Officer for that purpose."

2. Add new subsection 3.4.2 as follows:

"3.4(a) The notice of special meeting must be signed by the Chair or Corporate Officer."

3. Delete section 3.7 – redundant with amended section 3.3 and new section 3.4.1

4. Amend section 3.8 by replacing reference to 3.7 with section 3.4.

d. Electronic Meetings

3.6.1 A meeting may be conducted as an Electronic Meeting or an In-Person Meeting.

3.6.2 Electronic Meetings must abide by the rules established by Board policies pertaining to Electronic Meetings

e. In-Person Meetings

3.6.3 Subject to Section 3.6.4, certain meetings throughout the calendar year may be determined to require in-person attendance by members, when:

- (a) established as In-Person Meetings on the annual Board and committee schedules referred to in Part 3;*
- (b) carried by resolution of the Board or committee; or*
- (c) given the nature of one or more items on the agenda, the Chair determines in-person attendance as a requirement, subject to members being provided with seven (7) of*

advance notice of the requirement to attend in person. The advance notice of any change of a scheduled meeting to an In-Person Meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

3.6.4 If the Chair determines that Unsafe Conditions exist that have the potential to cause risk to the health and/or safety of members scheduled to attend an In-Person Meeting, then notwithstanding Section 3.6.3, the Chair may permit members to participate by means of electronic or other communication facilities.

Comments:

Previously, the *Local Government Act* s. 221 and *Regional District Electronic Meetings, B.C. Reg. 271/2005* only permitted special board meetings to be held electronically provided they were permitted by bylaw.

Ministerial Order M192 authorized all meetings and public hearings to be conducted electronically during the pandemic. M192 expired on September 28, 2021. Since then the *Local Government Act* has been amended to permit all a board or committee meetings to be conducted by electronic means, including members of the board who wish to participate electronically. Should a local government choose to allow for electronic meetings, provisions must be included in their procedure bylaw.

The “Guidance for Adapting to the New Electronic Meetings Framework” document prepared by the Ministry of Municipal Affairs notes that while electronic meetings may be a useful tool for board in certain circumstances, they should not be a substitute for all in-person meetings. Boards may want to consider under what circumstances to allow electronic meetings in their community.

The Ministry/LGMA Guide notes the following with respect to electronic meetings and participation:

Legislative Requirements – LGA s. 221, <i>Regional District Electronic Meetings B.C. Reg. 271/2005</i>	Metro Vancouver Procedure Bylaw
Authorized in the procedure bylaw	s. 3.6.1
Provide notice of the way in which the meeting is to be conducted and the place where the public may attend the electronic meeting	s. 3.1.2, s. 3.2.2, s. 3.4.1
Provide a location for the public to attend	s. 3.1.2, s. 3.1.3, s.3.2.2
Facilities that enable the meeting’s participants and the public to hear, or watch and hear, each other	s. 3.1.2, s. 3.1.3, s. 3.2.2
Attendance of a designated officer at the meeting;	
The meeting must be conducted in accordance with the procedure bylaw.	
Best Practices	
Develop guidelines to assist with electronic meeting process	Board Policy
Allow for electronic meetings in the event meeting in person is impractical or impossible or in the event of an emergency	
Outline a process to follow if there is equipment failure or loss of quorum during an electronic meeting	Board Policy – tech issues only

Consider how to deal with declarations of conflict of interest or closed meeting issues	Board Policy
---	--------------

Metro Vancouver Board Policy No. GV-037 sets out the procedures for the administration of, and participation at, electronic Board and committee meetings.

While the Bylaw and the Policy are clear in that they permit electronic meetings, it is not clear if a hybrid approach is permitted, i.e. some members participating electronically while others attend in-person.

The following legislated requirements items do not appear to be included in the Bylaw:

- The requirement for a designated officer to be present at the meeting at the place where the public can attend; and
 - Note: This does not appear to be a requirement for electronic committee meetings.
- That the meeting be conducted in accordance with the procedures set out in the Bylaw.

In addition, the sections referring to electronic and in-person meetings are placed in between the Special meeting sections. As such, it is not clear if all meetings, regular and special, of the Board can be held electronically or if it is only limited to special meetings.

Recommendations:

1. Amend section 3.6.3(c) by adding the word “days” after “seven (7)”.
2. Amend section 3.1.2 and s. 3.4.1 by adding (c) as follows:
“(c) The designated officer who must be in attendance at the specified place shall be the Corporate Officer or designate.”
3. Amend section 3.6.2 by adding the phrase “the Procedure Bylaw and” after the phrase “abide by the rules established by...”.
4. Move sections 3.6.1 to 3.6.4 after section 3.1 to clarify the applicability of those sections to all regular and special meetings of the Board and committees.

f. Attendance of Public at Meetings

3.9 Pursuant to section 226(1)(a) [Board proceedings: application of Community Charter] of the Act and section 89 [open meetings] of the Charter, a meeting must be open to the public, except as provided in section 3.10.

Requirements before meeting is closed

3.10 As provided in section 92 [Requirements before meeting is closed] of the Charter, before holding a meeting or part of a meeting that is to be closed to the public, the Board or committee must state, by resolution passed in a public meeting, (a) the fact that the meeting or part is to be closed, and (b) the basis under the applicable subsection of section 3.11 on which the meeting or part is to be closed

Comments:

The Ministry/LGMA Guide notes the following with respect to the attendance of public at meetings:

Legislative Requirements – LGA s. 226(1)(a), CC s. 89	Metro Vancouver Procedure Bylaw
Meetings must be open to the public unless the subject matter relates to one of the items listed in the closed meetings section of the legislation.	s. 3.9
Bylaws must only be read and voted on in open meetings	s. 12.9
A resolution to close a meeting must be passed in the open part of a meeting and include the basis for that closure.	s. 3.10

Recommendation:

1. Move section 3.10 under section 3.11 Meetings that may or must be closed to the public.

g. Meetings that may or must be closed to the public

3.11 *As provided in section 90 [Meetings that may or must be closed to the public] of the Charter:*

- (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:*
 - (a) 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;*
 - (b) 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;*
 - (c) labour relations or other employee relations;*
 - (d) the security of the property of the municipality;*
 - (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
 - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
 - (g) litigation or potential litigation affecting the municipality;*
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;*
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#);*
 - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could*

- reasonably be expected to harm the interests of the municipality if they were held in public;*
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];*
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;*
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);*
- (o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.*
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:*
- (a) 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;*
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;*
- (c) a matter that is being investigated under the [Ombudsperson Act](#) of which the municipality has been notified under section 14 [Ombudsperson to notify authority] of that Act;*
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.*
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.*

Comments:

There are certain circumstances where a board meeting may or must be closed to the public by resolution. The Ministry/LGMA Guide notes that prior to adjourning a closed meeting, it is best practice to determine if any of the decisions made during the meeting could be made public by agreeing to “rise and report” at the next regular meeting.

The Provincial Guide notes the following with respect to closed meetings:

Legislative Requirements – LGA s. 226(1)(a) & s. 205(1)(d), CC. s. 90	Metro Vancouver Procedure Bylaw
A resolution to close a meeting must be passed in an open meeting	s. 3.10
The resolution must outline the applicable subsection of section 90 of the <i>Community Charter</i> for which the meeting is to be closed	s. 3.10(b)
Best Practices	
Provide that when an item arises during a closed meeting, which in the opinion of the board, do not meet the criteria to be held in a closed meeting, it be referred to an open meeting or to staff	
Provide public notice of closed meetings	

In the agenda, include the applicable subsection of the <i>Community Charter</i> under which the meeting or part of the meeting is being closed and a general description of the item to be discussed without compromising the reason for closing the meeting	
---	--

Recommendations:

1. Replace this section with:
“3.11 A meeting, or part of a meeting, may or must be closed to the public only if the matter falls under section 90 of the Charter.”
2. Move section 3.10 under section 3.11 Meetings that may or must be closed to the public.

h. Other Persons Attending Closed Meetings

3.12 As provided in section 91 [Other persons attending closed meetings] of the Charter:

- (1) If all or part of a meeting is closed to the public, the Board or committee may allow one or more regional district officers and employees to attend or exclude them from attending, as it considers appropriate.*
- (2) If all or part of a meeting is closed to the public, the Board or committee may allow a person other than regional district officers and employees to attend,*
 - (a) in the case of a meeting that must be closed under section 3.11 (2), if the Board or committee considers this necessary and the person*
 - (i) already has knowledge of the confidential information, or*
 - (ii) is a lawyer attending to provide legal advice in relation to the matter, and*
 - (b) in other cases, if the Board or committee considers this necessary.*
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.*

Comments:

The Ministry/LGMA Guide notes the following with respect to attendance at closed meetings:

Legislative Requirements – LGA s. 226(1)(a) & CC s. 91	Metro Vancouver Procedure Bylaw
Minutes of closed meetings must include the names of all attendees (boards may have some limited discretion as to who may attend a closed meeting).	s. 3.12(3)

Section 3.12 of the Bylaw is a duplicate of s. 91 of the *Community Charter* which also applies to regional districts. It specifies applicability of the section to the Board and committees therefore for clarity, it may be beneficial to not make any substantial changes to this section.

Recommendation:

1. Section 3.12 – delete specific reference to legislation.

i. Meetings and Hearings Outside Regional District

3.13 As provided in section 224 [Meetings and hearings outside regional district] of the Act, the following meetings may take place outside the boundaries of the regional district:

- (a) board meetings;*
- (b) committee meetings;*
- (c) other public meetings conducted by or on behalf of the Board or a board committee;*
- (d) board hearings that are required by law or authorized by an enactment; and*
- (e) board proceedings in which a person is entitled under the Act to make representations to the Board*

Comments:

The Ministry/LGMA Guide notes the following with respect to meetings held outside the regional district boundaries:

Legislative Requirements – LGA s. 224	Metro Vancouver Procedure Bylaw
Boards may by bylaw allow for meetings or other proceedings to be held outside boundaries	s. 3.13

This section is required to permit meetings and hearing to be held outside of the regional district boundaries.

Recommendation:

1. Section 3.13 – delete specific reference to legislation.

j. Duty to Respect Confidentiality

3.14 Pursuant to section 117 [Duty to respect confidentiality] of the Charter, a member or former member must, unless specifically authorized by the Board or committee:

- (a) keep in confidence any record held in confidence by the regional district, until the record is released to the public as lawfully authorized or required, and*
- (b) keep in confidence information considered in any part of a meeting that was lawfully closed to the public, until the Board or committee discusses the information at a meeting that is open to the public or releases the information to the public.*

Comments:

The Ministry/LGMA Guide notes the following with respect to the duty to respect confidentiality:

Legislative Requirements – LGA s. 205(1)(d) & CC s. 117(1)(b)	Metro Vancouver Procedure Bylaw
Board members must keep information from closed meetings confidential until such a time the board decides the information can be released or discussed at an open meeting.	s. 3.13

While this section is a duplication of s. 117 of the *Community Charter* and in the absence of a Code of Conduct, it may be beneficial to keep this section in the Bylaw as stated

Recommendations:

1. Section 3.14 – delete specific reference to legislation

k. Corporate Officer to Attend

3.15 The Corporate Officer shall attend all meetings and record the business, proceedings and reports thereof.

Comments:

Because the Corporate Officer is unable to attend all meetings, the Bylaw should specify that their designate, i.e. Deputy or committee clerk, may attend on their behalf.

Recommendation:

1. Section 3.15 - Add “or their designate” after “Corporate Officer”.

iv. Part 4 - Quorum

a. Chair to Preside at Meetings

4.1 The Chair, if present, shall preside at all meetings. In the absence of the Chair from a meeting, the Vice Chair shall preside.

4.1.1 In the absence of both the Chair and Vice Chair, the Corporate Officer shall call the meeting to order and call for a motion from the members present to appoint a member to preside as acting Chair pursuant to section 215(3) of the Act.

Comments:

The Ministry/LGMA Guide notes the following with respect to the duty to the chair presiding at meetings:

Legislative Requirements – LGA s. 215(3) & s. 216(2)(c)	Metro Vancouver Procedure Bylaw
The chair is to preside at board meetings when in attendance	s. 4.1
The same rules and powers apply to the vice chair in the absence of the chair	s. 4.1
If the chair and vice chair are not present the directors present must elect an acting chair	s. 4.1.1

Some of the procedure bylaws that were reviewed included procedures in the event the Chair or Vice Chair showed up after the meeting has commenced.

Recommendations:

1. Consider adding a section 4.1.2 as follows:
"If the Chair or Vice Chair arrives after commencement of a meeting at which an acting chair is presiding, he or she shall preside on arrival."

b. Quorum

4.2 A quorum of the Board is a majority of all the directors having among them a majority of all the votes and a quorum of a committee is a majority of the members appointed to that committee.

4.2.1 If a quorum is not present within thirty minutes after the time established for a meeting, the Corporate Officer shall record the names of the members present and the meeting shall stand adjourned.

4.2.2 As soon after the hour of meeting as there shall be a quorum present the Chair will call the meeting to order.

Comments:

The Ministry/LGMA Guide notes that “quorum is the minimum number of members that must be present to make the considerations of a meeting valid.” It is necessary for a quorum at board meetings to ensure agenda items are properly considered by the elected officials. For regional districts, the quorum is determined in accordance with s. 18 of the *Interpretation Act*.

The Ministry/LGMA Guide notes the following with respect to quorum:

Best Practices	Metro Vancouver Procedure Bylaw
Provide a specific time period to wait for board members to arrive.	s. 4.2.1
Corporate officer records the names of those members present	s. 4.2.1
Include a procedure for adjourning the meeting until the next meeting date or until another meeting is held if quorum is not met for the current meeting	s. 4.2.1
Include a clause that sets out the quorum requirements for committees	s. 4.2

The time periods to wait for members varies in the procedure bylaws from 15-30 minutes. The Bylaw notes a time of 30 minutes.

Recommendations:

No change required.

v. Part 5 – Order of Business

a. Order of Business

5.1 Unless otherwise determined by resolution of the Board or committee, the order of business for meetings shall be as follows:

5.1.1 For board regular meetings:

- (a) Adoption of the Agenda*
- (b) Adoption of the Minutes*
- (c) Delegations*
- (d) Invited Presentations*
- (e) Consent Agenda*
- (f) Items Removed from the Consent Agenda*
- (g) Reports from Committee or Chief Administrative Officer (not included on the Consent Agenda)*
- (h) Motions for Which Notice Has Been Given*
- (i) Other Business*
- (j) Business Arising from Delegations*
- (k) Resolution to Close Meeting*
- (l) Rise and Report (Items Released from Closed Meeting)*
- (m) Adjournment or Conclusion.*

5.1.1.1 Subsections 5.1.1(e), (f), and (k) do not apply to a board regular closed meeting.

5.1.2 For committee regular meetings:

- (a) Adoption of the Agenda*
- (b) Adoption of the Minutes*
- (c) Delegations*
- (d) Invited Presentations*
- (e) Reports from Committee or Chief Administrative Officer*
- (f) Information Items*
- (g) Other Business*
- (h) Business Arising from Delegations*
- (i) Resolution to Close Meeting*
- (j) Adjournment or Conclusion.*

5.1.2.1 Subsection 5.1.2(i) does not apply to a committee regular closed meeting.

5.1.3 For special board or committee meetings:

- (a) Adoption of the Agenda*
- (b) Reports from Committee or Chief Administrative Officer*
- (c) Resolution to Close Meeting*
- (d) Rise and Report (Items Released from a Board Closed Meeting)*
- (e) Adjournment or Conclusion.*

5.1.3.1 Subsection 5.1.3(c) does not apply to special board or committee closed meetings.

5.1.3.2 Subsection 5.1.3 (d) does not apply to committees.

b. Addition of Agenda Items by a Member

5.2 At a meeting, a member may, at the time adoption of the agenda is being considered, propose to place an additional item on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

5.2.1 Notwithstanding section 5.2, after the meeting agenda has been adopted, a member may propose to place an item of an urgent matter on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

Comments:

The Ministry/LGMA Guide notes the following with respect to order of business and agendas:

Best Practices	Metro Vancouver Procedure Bylaw
Include a standard order of business for regular, closed and special meetings.	s. 5.1
Provide a time frame and method for acceptance of agenda items and whether/how late items may be added	
Provide a reasonable time frame for how far in advance agendas are provided to the board, staff and the public	
Indicate whether members will receive a hardcopy or electronic versions of the agenda	
Outline where regularly scheduled meeting agendas are available to the public (e.g. public notice posting places or website)	s. 3.1.1
Provide a procedure for how a board member can bring forward an item of business that is not on the agenda and how it is dealt with – Notice of Motion	s. 5.2 and Part 9

The Order of Business section in the Bylaw sets out the order for board regular meetings, committee regular meetings and special meetings. It does not address the order of business for a closed meeting.

The Order of Business is specific to each local government and includes both similar and different sections.

Rise and Report:

The Order of Business for both the regular and special meetings includes a “Rise and Report” section for the release of items from a Closed Meeting.

Rise and report means to report publicly the decisions of the Board made in a closed meeting. While some of the items discussed in a closed session must remain confidential, there are some items that should be released once the decision has been made in order for staff to act on them or items that overtime, no longer need to remain confidential.

Examples of decisions that can be released immediately include appointments to a committee. Other decisions that may be released over time include a land acquisition once the negotiations have been completed and the purchase has been finalized.

Inclusion of this section allows for the Board to take a more proactive approach to releasing items that no longer remain confidential to the public.

Agenda

Unlike the majority of the procedure bylaws reviewed, the Bylaw does not include an “Agenda” section that sets out the responsibility for compiling agenda, typically the Corporate Officer. It also does not include a time frame and method for accepting agenda items from the public, staff or board members. The Bylaw does address how a member may add an item to the agenda at the meeting.

The Bylaw also does not address how far in advance the agendas should be made available to the board and public.

Recommendations:

1. Add an Agenda section as follows (from CRD Bylaw):
“5.0 The Corporate Officer, under the direction of the Chair, shall prepare an agenda and shall circulate a copy of the agenda to each member at least four(4) days before the meeting. If necessary, a supplementary agenda for a meeting of the Board will be circulated at least 24 hours before the meeting.”

c. Minutes

5.3 As provided in sections 223 (1) [Minutes of board meetings] and 223 (2) [Minutes of a board committee meeting] of the Act:

(1) Minutes of board meetings must be

- (a) legibly recorded,*
- (b) certified as correct by the Corporate Officer, and*
- (c) signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted; and*

(2) Minutes of a committee meeting must be (a) legibly recorded, and (b) signed by the Chair or member presiding at the meeting.

Comments:

The legislation requires minutes to be taken for open and closed board and committee meetings.

The Ministry/LGMA Guide notes the following with respect to minutes:

Legislative Requirements – LGA s. 223	Metro Vancouver Procedure Bylaw
Regional district board meeting minutes must be legibly recorded, certified as correct by the designated regional district officer and signed by the chair or acting chair at the meeting or at the next meeting at which they are adopted.	S. 5.3
Copies of board minutes must be made available to the public.	
Best Practices	
Outline where the minutes of all open meetings are posted for the public (e.g., public notice posting places and/or website)	
In the procedure bylaw, provide a reasonable timeframe or refer to a policy for when the draft minutes are available to the board, staff and the public before the next regular meeting.	
Provide a reasonable time from for provision of the certified minutes to the board and the public	
If appropriate establish alternate procedures for minute taking for commissions and other bodies, e.g. allow for less formal methods of record-keeping that may be more cultural appropriate	
Refer to the applicable policy for administrative fixes to allow the corporate officer to make minor corrections to the certified minutes, such as minor typos and sequential numbering errors.	

The Bylaw does not include a provision that states the board minutes must be made available to the public. In addition, the Bylaw does not include any of the best practice provisions noted above.

Some of the procedure bylaws include a provision to allow for the Corporate Officer to make minor corrections to the minutes after they have been approved such as correcting typos and grammatical errors.

Recommendations:

1. Amend section 5.3 :
 - a. removing the specific reference to the legislation; and
 - b. Adding “(d) made available to the public.”
2. Consider adding a section 5.3.1 as follows:

“The Corporate Officer may, after the minutes have been approved, correct errors in grammar, spelling, and punctuation in the minutes or may insert words necessary to the meaning or continuity of a sentence, but must not make any other change to the minutes which would alter or affect, in a material way, the actual decision made by the Board.”

d. Consent Agenda

5.4 The consent agenda portion of a board agenda shall consist of staff or committee report items that contain clear 'take action, give approval, or receive for information' recommendations.

5.5 Directors may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a board agenda.

5.6 At any time prior to the vote under section 5.5, a director may for the purposes of: (a) debate or discussion, (b) voting in opposition to a recommendation on the consent agenda, or (c) declaring a conflict of interest with respect to an item on the consent agenda, request that an item be removed from the consent agenda. The item will be considered immediately after the consideration of the consent agenda

Comments:

Local governments with extensive agendas such as the Metro Vancouver agenda, may implement a process for putting items on a consent agenda to increase efficiency. Items typically included in the consent agenda include non-controversial items where no further debate is required. Members may separate out an item from the consent agenda if they wish to discuss the matter further or vote against the item.

Metro Vancouver implemented the consent agenda in 2014 and more than half of the procedure bylaws utilize a consent agenda.

Recommendations:

No changes required.

e. Adjourn

5.7 A meeting which has been in session for four hours from the time the meeting was convened is deemed to be adjourned unless the Board or committee resolves to extend the meeting.

5.7.1 Notwithstanding section 5.7, a motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding shall have been taken.

Comments:

It may be necessary to clarify the intent of section 5.7.1 with respect to "no second motion to the same effect shall be made." It is felt that the intent is that in the event to adjourn fails, members are not permitted to put the same motion on the floor until additional business has taken place. This prevents a member for trying to advance an action that is not the will of the majority.

Recommendations:

1. Section 5.7.1 – add the words "if said motion fails" after "shall always be in order..."

vi. Part 6 – Keeping Order

a. Expelling a Person

6.1 The Chair may expel a person from a meeting as provided in section 133 [expulsion from meetings] of the Charter as follows:

- (a) If the Chair considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.*
- (b) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order*

b. Use of Audio or Video Recording Devices

6.2 No person shall use or operate any audio and or video recording devices at a meeting unless audio and or video recording devices are placed in a location designated by the Chair for that purpose and remain in that location during the course of the meeting.

6.2.1 Notwithstanding section 6.2, audio and or visual recording devices must not be used or operated during a closed meeting unless expressly permitted by the Board or committee.

c. Points of Order

6.3 The Chair shall preserve order and decide all points of order which may arise.

d. Appeal

6.4 Any decision of the Chair made under Section 6.3 may be appealed by a member and on an appeal by a member from the decision of the Chair, the question shall be immediately put by the Chair and decided without debate, "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present excluding the Chair.

6.4.1 In the event of the votes being equal, the question shall pass in the affirmative.

6.4.2 The names of the members voting for or against the question shall be recorded in the minutes.

6.4.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Board or committee shall immediately appoint a member to preside temporarily and the member so temporarily appointed shall proceed in accordance with Section 6.4 and Subsections 6.4.1 and 6.4.2..

6.5 Any resolution or motion carried under the circumstances mentioned in Section 6.4.3 is as binding as if carried out with the Chair presiding

Comments:

The Ministry/LGMA Guide notes that the legislation sets out the roles of regional district directors including:

- Accountability of boards through meetings and procedures
- Public engagement processes; and
- Rules to guide the deliberations of elected officials

Legislative Requirements – LGA s. 215, s. 216, s. 226(1)(b) and s. 226(3)	Metro Vancouver Procedure Bylaw
Presiding member must preserve order and decide on points of order	s. 6.3
If a member appeals the decision of the presiding member, the question of whether the presiding members' decision will stand must be asked by the presiding member and voted on without debate and without the presiding member voting.	s. 6.4, s. 6.4.1 & s. 6.5
If the presiding member refuses to ask the question appealing the presiding members' decision the board must appoint another member to act as presiding member temporarily	s. 6.4.3
If the expelled person does not leave a peace officer may enforce the order	s. 6.1(b)
Best Practices	
Discuss and decide what "acting improperly" means for the board, staff and public and how it will be captured in the procedure bylaw	
Provide expectations for board member behaviour in the conduct and debate section of the procedure bylaw: <ul style="list-style-type: none">• Respectful language and conduct• A reasonably length of time a board member can speak on a matter• Use of electronic devices at meetings• Restrict debate to the motion on the floor	s. 7.2 s. 7.1
Connect existing policies that are related to the responsibilities of board members, such as social media policies and codes of conduct into the procedure bylaw	
Make provision for a member who has been expelled to apologize and, by resolution of the board, provide them to retake their seat at the meeting	
Outline how the conduct and debate section applies to public delegations and invited presenters	

Audio and Video Recording:

Very few of the procedure bylaws that were reviewed included a section regarding the use of audio or video recording devices. Given the ability for cellphones to record, both audio and video, this section may no longer be relevant for the most part. Where this section could be useful is for the media or others in attendance with larger recording devices.

Other procedure bylaws include a specific section that no recording devices may be used in closed meetings.

You may wish to retain this section in this entirety so that it is very clear what is permitted.

Appeal:

Section 6.4 could be amended to clarify the intent of "Shall the Chair be sustained?" The common term in Robert's Rules of Order is "Shall the decision of the Chair be sustained?"

Additional Sections for Consideration:

This Part of the Bylaw does not include any provisions regarding the following which are sections in most of the procedure bylaws that were reviewed.

- Respectful language and conduct
- Making provision for a member who has been expelled to apologize, and by resolution of the board, provide them to retake their seat at the meeting
- Outline how the conduct and debate section applies to public delegations and invited presenters.

Recommendations:

1. Amend s. 6.1 by deleting specific reference to legislation.
2. Amend sections 6.4 and 6.4.3 by inserting the words “decision of the” be inserted in the phrase “Shall the Chair be sustained?”
3. Add new section 6.0 as follows:
“6.0 Members speaking at a Board or committee meeting must:
 - (a) Use respectful language;*
 - (b) Not use offensive gestures or signs;*
 - (c) Must not engage in bullying or harassing behaviour;*
 - (d) Must adhere to the rules of procedures established under this Bylaw and to the decisions of the presiding member and the Board in connection with the rules and points of order.”*
4. Add new sections 6.1.1. and 6.1.1.1 as follows:
“6.1.1 If a person who has contravened the general rules of conduct as set out in section 6.0, the presiding member may permit the person to apologize and if the member does so apologize, the presiding member may:
 - (a) Permit the person to remain in the meeting; or*
 - (b) Order the person to leave the meeting immediately if the presiding member is of the opinion that the apology was inadequate.*
6.1.1.1 Section 6.1.1 applies to delegations and invited presenters.”

(Note: Language could be included in the above to require a Board resolution to allow the person to remain and/or leave the meeting.)

vii. Part 7 - Debate

7.1 Where there is a motion under debate a member shall not speak other than on that motion under debate and the matters relating to that motion as set out in Section 8.2.

7.2 No director shall speak on any question for longer than three minutes without leave of the Chair.

7.2.1 Section 7.2 does not apply to committees.

7.3 Any member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

7.4 No director shall speak more than once to the same motion without leave of the Chair except:

- (a) in explanation of a material part of his or her speech which may have been misunderstood, provided in doing so that director does not introduce any new matter, and no debate shall be allowed upon such explanation; or*
- (b) in reply by a director who moved the substantive motion to the Board, but not to any director who has moved an amendment or a non substantive motion.*

7.4.1 Section 7.4 does not apply to committees.

7.5 If, during debate on a motion, a motion to refer or defer that motion is put while there remain members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such motion of deferral or referral until those on the list of speakers for the first motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the motion to defer or refer and, receiving an affirmative response, shall call the question on such motion.

7.6 At any time during debate on a motion, a director may move "That the vote on the motion be called" and that motion shall be decided without amendment or debate. If the motion "That the vote on the motion be called" is adopted by at least two thirds vote of the members present, the motion consequent thereon shall be immediately called and voted upon without further debate or amendment.

7.6.1 Section 7.6 does not apply to committees.

Comments:

Section 7.4(b) refers to a 'substantive' motion; a term used in the Standing Orders of the Legislative Assembly. A substantive motion is also known as a "main motion" which is a term more commonly used in local government.

It is not clear what a "non-substantive" motion is; it could be interpreted as a "secondary motion" defined as follows by Robert's Rules of Order:

- Subsidiary motion – applies directly a pending main motion, e.g. amend, refer, postpone etc.
- Privileged motion – related to the comfort of the assembly and that are so important that they may interrupt pending business and decided on immediately without debate, e.g. motion to adjourn while a motion is under consideration.
- Incidental motion – generally deal with procedures, e.g. Point of Order

Recommendations:

1. Amend section 7.4(b) by replacing the word "substantive" with "main" in the first instance and with "secondary" in the second instance.

viii. Part 8 - Motions

8.1 A motion shall be made and seconded before being debated or finally put by the Chair.

8.2 When a motion is under debate it is deemed to be in possession of the Board or committee and no motion shall be received unless to amend it, to refer it, to table it, to defer it, to withdraw it, to adjourn, or to call the question

a. Amendments

8.3 Amendments shall be voted on in the reverse order to that in which they are moved.

8.3.1 Every amendment submitted shall, when requested by any member, be reduced to writing and be decided upon or withdrawn before the main question is called.

8.3.2 Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion

b. Referral

8.4 A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

c. Chair Determines Contrary to Rules

8.5 When the Chair is of the opinion that a motion put before the Board is contrary to the rules of the Board or committee, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances

Comments:

Section 8.2 refers to subsidiary motions that would be permissible when a motion is under debate. One of the subsidiary motions that is noted is “to defer” more commonly known as a “motion to postpone to a certain time.”

Recommendations:

1. Amend section 8.2 by replacing the word “defer” with the phrase “postpone it to a certain time.”

ix. Part 9 – Notice of Motion

9.1 Any director desiring to bring before the Board any new matter, other than a point of order or of privilege, shall do so by way of motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and shall be dealt with as provided by Section 9.1.1.

9.1.1 Any director may give notice of a motion to the Board by:

- (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or*
- (b) providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.*

Comments:

The Ministry/LGMA Guide notes the following with respect to Notice of Motion:

Best Practices	Metro Vancouver Procedure Bylaw
<p>Provide a procedure for how a board member can bring forward an item of business that is not on the agenda and how it is dealt with – commonly referred to as a Notice of Motion:</p> <ul style="list-style-type: none">• May be made in writing to the corporate officer• Whether the motion needs to be seconded by another member of the board• Provided to the corporate officer in advance of the meeting by a certain timeline• If the notice of motion is made during a meeting it is added to the agenda of the next regular board meeting, or the agenda of a special board meeting for that purpose;• Inclusion of background materials• Whether consideration of the notice of motion is postponed if the member who introduced it is not present at the meeting and it is on the agenda, unless they have provided written consent	Part 9
<p>Provide that the board can proceed with a notice of motion on the agenda if the member adding the item is not present if the majority of the board resolves to proceed.</p>	

Section 9.1 indicates that a director who wishes to bring forward a “new matter” may be required to provide a notice of motion. “New matter” is not defined and could be deemed as an item that has never been before the Board or an item that is not currently on the meeting agenda. Clarification of this section is required.

The procedure bylaws that were reviewed require a Notice of Motion for matters that are:

- A new matter
- Resulting from an agenda item or other business that is not listed as Council action
- Any matter that is not listed on the agenda to Council for consideration

The Bylaw does not include a provision as to whether the Notice of Motion may proceed in the absence of the mover. Some of the procedure bylaws include such a provision.

Recommendations:

1. Amend section 9.1 by replacing “any new matter” with “a matter that is not listed on the meeting agenda.”
2. Consider adding a new section 9.2 as follows:
“9.2 A Notice of Motion may not proceed in the absence of the mover, unless the mover has provided the Corporate Officer with written notification that the Notice of Motion may proceed in their absence.”

x. Part 10 – Reconsideration, Rescission of a Resolution

a. Chair May Propose Board Reconsideration of a Matter

10.1 Notwithstanding section 5.2, as provided in 217 [Chair may require board reconsideration of a matter] of the Act and section 131 [Mayor may require council reconsideration of a matter] of the Charter, the Chair may require Board reconsideration of a matter as follows:

- (1) Without limiting the authority of a Board to reconsider a matter, the Chair may require the Board to reconsider and vote again on a matter that was the subject of a vote.*
- (2) In exercising the power under subsection (1), the Chair may return the matter for reconsideration at the meeting of the Board following the original vote.*
- (3) A matter may not be reconsidered under this section if*
 - (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board, or*
 - (b) there has already been a reconsideration under this section in relation to the matter.*
- (4) On a reconsideration under this section, the Board (a) must deal with the matter as soon as convenient, and (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.*
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.*

b. Director, Other than the Chair, May Propose Board Reconsideration of a Matter

10.2 After a vote has been taken on any motion, a director (except the Chair), who voted with the majority for or against that resolution may, at the regular meeting of the Board following the original vote, introduce a motion to reconsider that resolution in accordance with section 5.2 or section 9.1 (b).

c. General provisions for board reconsideration

10.3 When a motion to reconsider has been presented, no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.

10.4 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

d. Rescission/Amendment of a Previously Decided Resolution

10.5 At a board meeting, any director may at any time introduce a motion to rescind or amend a previously decided resolution which has been adopted in the affirmative or negative in accordance with section 5.2 or section 9.1 (b), and at a committee meeting, any member may do so in accordance with section 5.2.

10.5.1 Notwithstanding section 10.5, a member may at any time introduce a motion to rescind or amend a previously decided resolution if the motion is made at the same meeting as the previously decided resolution.

10.5.2 Notwithstanding section 10.5, a motion to rescind or to amend a resolution is not in order under the following circumstances:

- (a) If some action integral to the resolution now being rescinded or amended has been taken as a result of the previous decision and that action is impossible to undo; or*
- (b) If the resolution is so intimately connected with another resolution that the resolution cannot be considered as a distinct proposition.*

Comments:

The Ministry/LGMA Guide notes the following with respect to reconsideration:

Legislative Requirements – LGA s. 217	Metro Vancouver Procedure Bylaw
A chair may require the board to reconsider and vote again on a matter that was the subject of a vote	s. 10.1(1)
A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted or it has already been reconsidered by the board	s. 10.1(3)
The matter under reconsideration must be dealt with as soon as convenient, and the board has the same authority it had in its original consideration of the matter	s. 10.1(4)
If the original decision to adopt a bylaw or resolution is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed	s. 10.1(5)
Best Practices	
Following procedure rules referenced in the procedure bylaw, provide that a director who voted with the majority either for or against to put forward a motion for reconsideration	s. 10.2
Include the process and circumstances under which reconsideration would be permitted by other board members, similar to those required of the chair	s. 10.2
Provide a specific time from for when a motion could be reconsidered, typically at the same meeting as the vote took place	s. 10.2
Notice of motion to be required and seconded by another member	
Number of times the item can be reconsidered within a specific time period, typically once	
Matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the regional district	

The Ministry/LGMA Guide notes that at times, the Board may wish to bring back a decision for reconsideration due to new information that has been brought forward or a motion that has been defeated. The legislation allows for the chair to bring a decision back for reconsideration, with some restrictions as noted in the Bylaw.

A director must be authorized by bylaw, to bring a matter back for reconsideration.

It was unclear whether section 10.2 applies to committees as it is not specifically noted. Section 14.1 – Conduct of business for Committees however, notes that Part 10 of the Bylaw applies to the Committees.

Section 10.5 references a director may introduce a motion to rescind or amend a previously decided resolution adopted in the affirmative or negative in accordance with section 5.2 or 9.1(b). It seems the section references may be incorrect as section 5.2 refers to the addition of an agenda item by a member and section 9.1(b) does not exist.

Restriction on Matters that can be Reconsidered:

In addition to items listed in s.10.1(3), the Ministry/LGMA Guide recommends including the following restriction:

- Matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the regional district.

This restriction applies for a motion to rescind or amend some a previously decided resolution (s. 10.5.2) but it does not apply to a reconsideration motion.

The same restrictions noted in 10.1(3) should apply to Directors who propose Board reconsideration of a matter (s. 10.2).

Number of Times a Matter can be Reconsidered:

The Bylaw does not limit the number of times an item can be reconsidered. Some of the procedure bylaws limit reconsideration of the same motion for a period of 6 months or a year.

Recommendations:

1. Amend section 10.1 by removing specific reference to the legislation.
2. Amend section 10.5 by correcting the reference to sections of the Bylaw.
3. Consider amending section 10.1(3) by adding:
“(c) some action integral to the resolution to be reconsidered has been taken as a result of the previous decision and that action is impossible to undo.”
4. Consider adding new section 10.2.2 and 10.5.3 as follows:
“10.2.2 If a motion to reconsider is defeated, the same or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.”

“10.5.3 If a motion to rescind or amend a previously decided resolution is defeated, the same motion or substantially the same motion may not be brought before the Board for at least six months, unless the Board permits this by unanimous resolution.”

xi. Part 11 - Voting

a. Tie Vote

11.1 In all cases where the votes of the members present and entitled to vote, including the vote of the Chair, are equal for and against a question, the question shall be declared in the negative, and it shall be the duty of the Chair or other member presiding to so declare.

11.1.1 Any member then present who abstains from voting shall be deemed to have voted in the affirmative.

b. Recorded Vote

11.2 At a board meeting, a director may call for a recorded vote, and if so called, the Corporate Officer shall record in the minutes the names of each director present, the manner in which that director has voted, and the number of votes assigned to such director.

11.2.1 Section 11.2 does not apply to committees.

c. Distinct Propositions

11.3 When the motion under debate contains several parts, each of which is capable of standing as a complete proposition if the others are removed, a separate vote upon each such proposition shall be taken if requested by any member.

d. Members Attendance for Vote

11.4 Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a member has declared a conflict of interest.

e. Conflict of Interest

11.5 Pursuant to section 100 [Disclosure of conflict] of the Charter, if a member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has (a) a direct or indirect pecuniary interest in the matter, or (b) another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.

11.5.1 After making a declaration under section 11.5, the member must not do anything referred to in section 101 (2) [Restrictions on participation if in conflict] of the Charter.

11.5.2 As an exception to section 11.5.1, if a member has made a declaration under section 11.5 and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may (a) return to the meeting or attend another meeting of the same body, (b) withdraw the declaration by stating in general terms the basis on which the member

has determined that he or she is entitled to participate, and (c) after this, participate and vote in relation to the matter.

11.5.3 For certainty, a member who makes a statement under section 11.5.2 remains subject to section 101 [Restrictions on participation if in conflict] of the Charter.

11.5.4 When a declaration under section 11.5 or a statement under section 11.5.2 is made, (a) the Corporate Officer must record in the minutes the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room and, if applicable, of the member's return, and (b) unless a statement is made under section 11.5.2, the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

11.5.5 Pursuant to section 101 [Restrictions on participation if in conflict] of the Charter, if a member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 11.5, the member must not: (a) remain or attend at any part of a meeting referred to in section 100 (1) [Disclosure of conflict] of the Charter during which the matter is under consideration, (b) participate in any discussion of the matter at such a meeting, (c) vote on a question in respect of the matter at such a meeting, or (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

Comments:

Section 11.5 – Conflict of Interest – is a duplication of the legislation. One third of the procedure bylaws that were reviewed include similar language in their procedure bylaws. While it is not recommended that legislation be duplicated in a procedure bylaw, you may wish to retain this section for clarity and in the absence of a Code of Conduct.

Recommendations:

1. Consider deleting section 11.5 in its entirety OR delete reference to specific legislation in sections 11.5, 11.5.1, 11.5.3 and 11.5.5.

xii. Part 12 - Bylaws

12.1 Bylaws shall be read and adopted in accordance with section 225 [Procedures, bylaws and enforcement] of the Act.

a. Copies of Proposed Bylaws

12.2 Every proposed bylaw shall be in written form before it is considered by the Board and a copy shall be provided to each director when it is under discussion.

b. Introduction, Reading and Adopting Bylaws

12.3 Every proposed bylaw shall be introduced by motion.

12.4 A proposed bylaw may be debated or amended at any time during the first three readings unless prohibited by the Act.

12.5 A bylaw shall be deemed to be read when its title or bylaw number is stated.

12.6 Every proposed bylaw must be given first, second and third reading before it is passed and finally adopted.

12.7 Every proposed bylaw may be introduced and given first, second and third readings at the same meeting by one motion for all three readings.

12.8 A separate motion that a proposed bylaw be passed and finally adopted must be made at a subsequent meeting, except that as provided in section 228 of the Act, a bylaw that does not require approval, consent or assent under the Act or any other act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least two thirds vote of the directors present.

12.9 As provided in section 89 [Open meetings] of the Charter, a Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

c. Certification and Storage

12.10 When a bylaw is read at a board meeting, the Corporate Officer shall certify the readings and dates at the end of such bylaw. After a bylaw has been adopted the Corporate Officer shall be responsible for its correctness, including any amendments.

12.11 Every bylaw which has been adopted by the Board shall be signed without delay by the Chair and the Corporate Officer, sealed with the seal of the Board, and retained by the Corporate Officer for safekeeping.

12.12 After their adoption by the Board, all bylaws shall be filed in their regular order and shall have an index prepared for the same.

d. Repeal of a Bylaw

12.13 The repeal of any bylaw or part of any bylaw shall not, unless a contrary intention appears, revive any bylaw or Part thereof not in force or existing at the time at which a bylaw takes effect or prevent the effect of any saving clause therein.

Comments:

As noted in the Ministry/LGMA Guide, boards may only make decisions by bylaw or resolution. In some cases the legislation specifies that the local government power can only be exercised by bylaw. The legislation requires that the procedure bylaw include the manner in which resolutions may be passed and bylaws adopted (LGA s. 225(1)(a)).

The Ministry/LGMA Guide highlights the following regarding Bylaws and Resolutions:

Legislative Requirements – LGA s. 207, s. 225, s. 226, s. 227, s. 228, s. 465	Metro Vancouver Procedure Bylaw
Before a bylaw is adopted it must be given three readings	s. 12.6
A bylaw must may be given up to three readings in one meeting	s. 12.7
There must be at least one full day between third reading and the adoption of a bylaw with the following exceptions: <ul style="list-style-type: none">• OCP and zoning bylaws may be adopted at the same meeting as third reading provided the bylaw does not require Provincial approval; and• Regional district bylaws that do not require approval, consent or assent before they are adopted may be adopted at the same meeting as third reading, if the motion for adoption receives at least 2/3 of the votes cast	s. 12.8
Bylaws that require the approval of Cabinet, a Minister, the Inspector of Municipalities or the electors must receive Provincial approval between third reading and adoption in a specified sequence	s. 12.8
If a public hearing is required for a land use bylaw, the hearing must be held after first reading and before third reading	
Once the bylaw is adopted, the chair at the meeting where the bylaw was adopted, and the corporate officer must sign the bylaw	s. 12.11
Best Practices	
Outline how a resolution or bylaw may be introduced at a meeting	s. 12.3
Provide the corporate officer with a written copy of a notice of motion bringing forward a bylaw or resolution before a meeting	
Provide a copy of the proposed bylaw or resolution being introduced to each member at least 24 hours before the meeting	s. 12.2 (no time limit)
Provide that a motion to waive the 24 hours requirement may be passed by unanimous vote of all board members	
Allow for the corporate officer to consolidate one or more of the regional district bylaws for official use	
Refer to an administrative fix policy to allow the corporate officer to make minor corrections to bylaws at third reading and adopted bylaws, such as spelling mistakes and sequential numbering errors;	
Provide that an adopted and signed copy of the bylaw be kept on record	s. 12.11, s. 12.12

Bylaws Subject to a Public Hearing:

The Bylaw does not provide for when a bylaw that is subject to Public Hearing shall be referred to Public Hearing. Many of the procedure bylaws make this reference.

Application of Corporate Seal to Bylaws:

Section 12.11 states the bylaw should be “sealed with the seal of the Board.” Use of the corporate seal is no longer a legislated requirement and more of a corporate practice. Approximately 1/3 of the local governments included in this review continue to seal their bylaws.

Given this is no longer a legislated requirement and may pose a legal challenge to the bylaw in the event the seal was inadvertently missed from being applied to the bylaw, you may wish to consider removing this from the Bylaw.

Recommendations:

1. Amend sections 12.1 and 12.8 by deleting specific reference to the legislation.
2. Add new section 12.7.1 as follows:
“12.7.1 Bylaws that require statutory public hearings prior to their adoption shall be read for the first and second time only at a Board meeting prior to the holding of the public hearing.”
3. Amend section 12.11 by deleting the phrase “sealed with the seal of the Board,”

xiii. Part 13 - Delegations

a. General Provisions

13.1 No person, persons or organization shall appear as a delegation more than once to the same agenda item except to introduce new and material information.

13.2 Each delegation shall be limited to a maximum time of five minutes to make a presentation to the Board or a committee unless otherwise determined by leave of the Chair.

13.2.1 The Board or committee shall be limited to a maximum of five minutes in which to direct questions to the respective delegation unless otherwise determined by leave of the Chair.

13.3 Each delegation:

(a) may provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee and board agenda package; and

(b) may provide the Corporate Officer with a copy of the delegation's complete presentation and other relevant background material for the record.

13.4 The subject matter upon which a delegation wishes to speak must: (a) be within the jurisdiction of the regional district; and (b) be within the terms of reference of the committee for which the delegation wishes to appear.

13.4.1 A request to appear as a delegation at a Council of Councils Committee will not be accepted unless a meeting of the Councils of Council's Committee has been called for the express purpose of hearing delegations on a matter.

13.4.2 A request to appear as a delegation at a board or committee meeting will not be accepted if it relates to a public procurement process for the provision of goods, services or construction for Metro Vancouver Regional District between the time that such procurement process has been posted and the time any resulting contract or proposal call has been awarded, or other final decision made.

b. Regular Delegation - Committee

13.5 Any person, persons or organization wishing to appear as a regular delegation before a committee shall submit a written request to the Corporate Officer at least seven working days prior to the scheduled meeting.

13.5.1 The written request must stipulate: (a) the subject matter upon which the delegation wishes to speak; (b) the name of the designated speaker; and (c) the specific action which is being requested of the committee by the delegation.

13.5.2 Each delegation may, at least seven working days before a scheduled meeting, provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee agenda package.

13.5.3 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.5.4 The delegation appearance and the subject of the delegation will be included on the meeting agenda.

c. Late Delegation - Committee

13.6 Any person, persons, or organization who deems their interests to be affected by a report on a committee agenda and who, because of circumstances, could not have been expected to give earlier notice pursuant to section 13.5, may request to appear as a late delegation before the committee by submitting a written request, before the meeting is convened, to the Corporate Officer, stipulating:

- (a) the circumstances preventing the delegation from giving earlier notice;*
- (b) how the delegation's interests are affected by a report on a committee agenda;*
- (c) the name of the report that the delegation wishes to speak to;*
- (d) the name of the designated speaker; and*
- (e) the specific action which is being requested of the committee by the delegation.*

13.6.1 The Corporate Officer shall advise the committee Chair of the late delegation request and circulate the written request and the executive summary, if available, to the committee members on table at the committee meeting.

13.6.2 The committee shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the late delegation request as an additional item on the agenda in accordance with section 5.2.

d. Delegation – Board

13.7 Any person, persons or organization who deems their interests to be affected by a report on a board agenda may request to appear as a delegation before the Board by submitting a written request to the Corporate Officer no later than forty-eight hours prior to the scheduled board meeting stipulating: (a) how the delegation's interests are affected by a report on a board agenda; (b) the name of the report that the delegation wishes to speak to; (c) the name of the designated speaker; and (d) the specific action which is being requested of the Board by the delegation.

13.7.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.7.2 The Corporate Officer shall advise the Board Chair of the delegation request and circulate the written request and the executive summary, if available, to the Board members on table at the board meeting.

13.7.3 The Board shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the delegation request as an additional item on the agenda in accordance with section 5.2.

13.8 Any person, persons or organization who wishes to appear before the Board with respect to an emergency matter may, before the meeting is convened, request the Chair to grant approval to the person, persons, or organizations to appear before the Board, by clearly demonstrating the emergency nature of the request. The Chair shall not be obliged to grant approval of any such late delegation request unless the Chair is satisfied that the nature of the emergency prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board.

e. Invited Presentation – Board or Committee

13.9 The Chair may, under exceptional circumstances, invite a person, persons, or organizations to make a presentation to the meeting. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.

13.9.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the designated speaker of the date, time and place of the meeting at which the designated speaker is scheduled to appear.

Comments:

Boards may establish rules in their procedure bylaw to allow speakers to present to the board and/or committees. Specific requirements are not included in the legislation and it is up to each local government to establish their own procedures. The reviewed procedure bylaws included many similar and differing procedures for their respective local government.

The Ministry/LGMA Guide highlights the following regarding delegations:

Best Practices	Metro Vancouver Procedure Bylaw
Outline in the procedure bylaw how the conduct provisions of the procedure bylaw apply to public delegations and presentations	Proposed new section
Establish the section of a meeting when the public will be permitted to address the board	s. 5.1
Communicate a process to the public for how to address the board at meetings and include: <ul style="list-style-type: none"> The process for a member of the public to request to speak at a meeting Information required from the public in advance of the meeting (if any) Time frame for submissions for inclusions on the agenda Limits on the frequency and length of presentations by delegations How request to address the board are handled by the corporate officer How many presentations or delegations may be heard per meeting and whether more may be added by resolution during the meeting 	Part 13 ss. 13.5, 13.6 ss. 13.3, 13.5.1, 13.5.2, 13.7.1, ss. 13.5, 13.7 ss. 13.1, 13.2 ss. 13.5.3, 13.7.1

<ul style="list-style-type: none"> Whether someone may replace the person or delegation who requested to speak How the speaking order of presentations or delegations is determined Expectations around respectful conduct; and How disrespectful conduct is managed 	
Outline what the public may speak to and restrictions on certain topics at meetings	ss. 13.4, 13.4.2
If a topic comes before the board that might affect the financial or operational plan allow for it to be referred to staff for a report before it is considered by the board	
If a new request to address the board is received at a meeting, provide an option for the presenter to address the board if approved by the unanimous vote of the members present	ss. 13.6, 13.8
Provide an option for written submissions for those who are unable or do not want to speak at a meeting	
Ask delegations to specify what they are seeking from the board	ss. 13.5.1, 13.6(e), 13.7(d)
Clearly state that items of a time sensitive nature may be heard first by the board	
Provide alternate ways for the public to provide input on agenda topics	

Appearing More than Once to the Same Item:

Section 13.1 states that a delegation cannot appear as a delegation more than once to the same agenda item. It is not clear how agenda item is defined, e.g. is the “agenda item” restricted to that same meeting or does it also apply when that same matter appears on a future agenda? This should be clarified for transparency.

Copies of Presentations:

Section 13.3 notes that the current practice is to include in the committee and board agenda packages an executive summary of up to two pages. Delegations are invited to provide a copy of their complete presentation for the record (s. 13.3(b)). Staff have advised this is not in keeping with current practice of records management related to the Board agenda. Some options to consider around filing the complete presentation are:

- with the written request from the delegation
- with a copy of the complete Board package
- with the agenda item it is addressing

Restrictions:

Staff asked that further restrictions on what a delegation may not address the Board about be considered in addition to those already noted in section 13.4.2. Some of the procedure bylaws that were reviewed include the following additional restrictions:

- if it relates to a bylaw for which a public hearing has already been held and where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
 - Applicants submitting delegation requests prior to the bylaw’s public hearing will be advised that Council will accept a written submission

- If it relates to a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Metro Vancouver Labour Relations Association Board.
- An item that is before the courts or on which the Board has authorized legal action
- A matter in respect of which the Regional District-led public consultation process is planned or in progress
- The promotion of commercial projects or services
- The promotion of a political party or of a candidate for elected office
- Publicly tendered contracts or proposal calls for the provision of goods and services for the Regional District, between the time that such contract or proposal call has been authorized and the time that such a contract or proposal call has been awarded; either by the Board or staff
- Any matter on which the delegate has already spoken to the Board and where no new significant information is provided
- Individuals or organizations that have previously appeared during the annual quarter (Jan – Mar, April – June, July – Sept, Oct – Dec) unless the individual or organization is statutorily authorized to be heard by the board, or required by law to be heard by the Board
 - The submission has not been made to the Board in the last 12 months
- Applications, permits or licenses not yet considered by the Board
- Information considered in closed meetings, unless the information has been released
- A request for access to information under FOI
- Compliance with regional district bylaws or policies
- Requesting financial assistance of any kind
- In relation to any potential or current development application

Maximum Number of Delegations

There are currently no restrictions on the number of delegations at a meeting in the Bylaw, i.e. maximum of three. The standard number in most of the procedure bylaws is three per meeting. This has not been identified as an area of concern but staff may wish to consider including a maximum number.

Late Delegation – Emergency Matter

Section 13.8 allows a delegation to request to appear before the Board on “an emergency matter” and forego the deadline to request to appear as a delegation

The *Emergency Program Act* defines an emergency as follows:

"emergency" means a present or imminent event or circumstance that

(a) is caused by accident, fire, explosion, technical failure or the forces of nature, and

(b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property;"

The intent of this section may be to allow for a delegation to speak to an item that is timely or urgent in nature rather than an emergency as technically defined. Section 5.2.1 allows a member to propose to place an “item of an urgent matter on the agenda” and requires a 2/3 vote of the members present.

Recommendations:

1. (a) Amend section 13.1 by replacing “agenda item” with “subject matter”; and
(b) Consider adding a time frame for which a delegation can return to speak to the same matter.
2. Amend section 13.3(b) in keeping with the current records management practices of the Regional District.
3. Consider amending section 13.4.2 to add additional restrictions on items a delegation can speak to.
4. Consider adding a maximum number of delegations that can appear at a meeting.
5. Amend section 13.8 by replacing the word “emergency” with “urgent” or “urgent matter” as applicable.

xiv. Part 14 - Committees

a. Conduct of Business

14.1 Committees shall conduct business under the rules of procedure as set out in Parts 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 as the context requires and unless otherwise provided.

b. Appointment of Select and Standing Committees

14.2 Select and standing committee appointments may be made pursuant to section 218 [Appointment of select and standing committees] of the Act as follows:

- (1) A board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.*
- (2) The Chair may establish standing committees for matters the Chair considers would be better dealt with by committee and may appoint persons to those committees.*
- (3) Subject to subsection (4), persons who are not directors may be appointed by the board to a select committee or by the Chair to a standing committee.*
- (4) A majority of the members of a committee, except the Council of Councils' Committee and the Committee responsible for the Regional Economic Prosperity Service, shall be directors.*

c. Membership

14.3 The Board Chair and Board Vice Chair shall be ex-officio members of all standing committees but shall not be entitled to vote, and shall not constitute quorum.

d. Voting

14.4 At a committee meeting, a member of a committee shall have one vote only.

e. Matters Referred to Committee by the Board

14.5 A committee shall consider and report respectively within the time period established by the Board, on every matter referred to it by the Board and the committee Chair shall raise the matter before the Board.

14.5.1 Any committee member shall have the right to submit a minority report.

14.5.2 Where delegations are heard by a committee, the committee's report to the Board shall include the committee recommendation, notification of the appearance of delegations, and a synopsis of the delegations submissions to the committee.

14.5.3 No action of any committee shall be binding on the Board unless the committee has delivered its report to the Board and the Board has adopted such action.

Comments:

The Ministry/LGMA Guide notes the following with respect to Committees:

Legislative Requirements – LGA s. 226(1)(a)-(c), CC, Part 4: Div 3, s. 145, s. 282(2)(c), s. 97	Metro Vancouver Procedure Bylaw
Open and closed meeting rules and the rules around expulsion from meetings apply to other bodies;	s. 14.1
The rules established by procedure bylaw for taking minutes apply to meetings of commissions or other bodies, unless the procedure bylaw provides other procedures for minutes of other bodies	s. 14.1
The record of minutes for other bodies must be available for public inspection unless the meeting has been closed to the public	
Best Practices	
<p>In most cases, applying existing board meeting procedures will be the simplest approach. There may be reasons for the board to establish customized rules of procedure for commissions and other bodies, for example:</p> <ul style="list-style-type: none">• In some communities there may be advantages to establishing rules for a staff member other than the corporate officer to have overall responsibility for commission meeting minutes; or• it may be appropriate to establish procedures that allow any member of the board to participate in discussions and debate (not vote) in a commission meeting	s. 14.3 (ex-officio)

Matters Referred to Committee by the Board:

Section 14.5 states that the committees shall consider and report in the time period established on items referred to them by the Board. It is not clear if this includes staff reports that have been forwarded for the committee's recommendation prior to Board consideration. The way in which the section is currently written could imply that any staff reports would first need to be considered by the Board before being referred to the committee. This could be challenging from an operational perspective.

Recommendations:

1. Amend section 14.2 by deleting the specific reference to the legislation.
2. Amend section 14.5 by adding the phrase "including staff reports" after the phrase "referred to it by the Board".

4. ADDITIONAL SECTIONS FOR CONSIDERATION

In addition to some of the additional sections already noted in the report, staff may wish to consider adding the following sections to the Bylaw if applicable:

- i. *Procedures for Council of Councils Committee:*
Many of the procedure bylaws include a section for procedures related to Committee of the Whole
- ii. *Communications/Correspondence:*
Some of the procedure bylaws include procedures on how written correspondence will be managed, i.e. included with the agenda package, circulated to Council for information only etc.

5. PUBLIC NOTICE REQUIREMENTS

The *Community Charter* and *Local Government Act* required local governments to provide advance public notice for certain matters of public interest such as public meetings, elections, public hearings etc.

New public notice requirements came into effect in February 2022 amending section 94 of the *Community Charter* and adding new sections 94.1 and 94.2. The Ministry of Municipal Affairs developed the following document outlining the changes to section 94 of the *Charter* and options for local governments: [Public Notice Guidance Materials: For B.C. Local Governments](#)

The new legislation gives local governments two options to provide public notice:

1. continue to use the default publication requirements to publish in a newspaper once a week for two consecutive weeks, s. 94.1; or
2. Adopt a public notice bylaw to provide for alternative methods of publication, s. 94.2.

The two options are summarized below.

Option 1 – Default Publication Requirements for Public Notice (s. 94.1)

The default publication provision requires a local government to:

- Publish notice in a newspaper that circulates to the community once each week for two consecutive weeks.
- If publication by newspaper is not possible, notice may be provide by alternative means as determined by the Board such as direct mail or posting to a community bulletin board. Notice must be given within the required time period and frequency as set out in the *Charter*. It is recommended that the Board provide a rationale for use of alternative means and that this rationale be documented in the minutes.

Option 2 – Bylaw to Provide for Alternative Methods of Publication (s. 94.2)

If a local government regularly uses alternative means to provide notice as outlined above, they may wish to adopt a public notice bylaw so that the public consistently knows where to find the public notices.

If a public notice bylaw is adopted, then the local government must publish notice by all methods specified in the bylaw for all public notices and must also post the notice to the public notice posting places.

The bylaw must also:

- Specify at least two methods of notice (e.g. newspaper and website). Note: this does not include the public notice posting place so if your website is referenced in the public notice posting place, an alternative second method must be identified.
- Consider the principles of effective public notice (reliable, suitable and accessible) as outlined in the [Public Notice Regulation](#) before adopting the bylaw.

Under the public notice bylaw, the notice must be published at least seven days before the matter for which notice is required is being considered.

In addition to the bylaw, a local government may wish to adopt a public notice policy that would:

- Set out additional methods of public notice in addition to the required notices
- The additional methods that could be used if directed by the Board
- Allow for a public notice e- mail subscription service for residents to sign-up for
- Note the specific name of the primary newspaper to be used if not included in the bylaw along with alternative newspapers that would be used if the primary newspaper is not available
- How notice will be provided to First Nations communities
- Set out records management practices for public notices.

Application to Regional Districts

Public Notice Bylaw:

Because regional districts encompass large areas with a mix of rural and urban needs, finding a method of public notice that is suitable for all will be challenging. One approach suggested in the Guidance document is for the regional district to specify methods that are consistent with the principles of effective public notice and are widely available within the region, e.g. the website and Facebook. It is then recommended that a policy be adopted that specifies additional methods to be used for different electoral areas and municipalities.

Procedure Bylaw:

Previously when a procedure bylaw was amended, repealed or substituted, notice was required to be mailed to each director five days before the meeting at which the amendment was to be introduced. Section 225 of the *Local Government Act* has been amended to require that notice be given in accordance with s. 94 of the *Community Charter*.

The Guidance document does not recommend that the public notice bylaw be combined with the procedure bylaw as keeping the information separate makes it more accessible to the public. Reference can be made in the procedure bylaw to the public notice bylaw if applicable.

In addition, any changes to the public notice bylaw do not require the same notification requirements as for an amendment to the procedure bylaw.

Special Meetings:

The notice for special board meetings as outlined in section 220 of the *Local Government Act* has been amended to include the same requirements as that of municipalities under section 127 of the *Community Charter*.

This means that notice of a special board meeting must be given at least 24 hours before the time of the meeting by:

- Posting a copy of the notice at the regular board meeting place
- Posting a copy of the notice at the public notice posting place; and
- Leaving one copy of the notice for each board member at the place where the member has directed that notice be provided (this can be by email).

The notice must include the date, time and place of the meeting and describe in general terms the purpose of the meeting. The notice must be signed by the chair or corporate officer. Notice of the meeting may be waived by unanimous consent.

Publication in a Newspaper:

The *Local Government Act* has been amended to remove the reference to “publication in a newspaper” and replaced with the requirement to publish notice in accordance with section 94 of the *Community Charter*. All local governments now that the same requirements and options for public notice. Page 12 of the Guidance document details the sections of the *Local Government Act* that have been amended to remove reference to publication in a newspaper.

In addition, regional districts are now required to also post notice in the public notice posting place. Metro Vancouver includes a definition of public notice posting place in the Bylaw.

6. RESPONSIBLE CONDUCT OF LOCALLY ELECTED OFFICIALS

The Working Group on Responsible Conduct (WGRC), a staff level committee with membership from UBCM, LGMA and the Ministry of Community, Sport and Cultural Development (CSCD) was formed in 2016 to undertake research and policy work on the framework and approaches related to conduct. The [Policy Report](#) was endorsed by UBCM in September 2017.

The WGRC identified and defined four [Foundational Principles](#) to guide the conduct of individual elected officials as well as councils and board.

A [Model Code of Conduct](#) was developed to that sets out shared principles and standards of conduct to help local governments get started on developing a code of conduct. A [Companion Guide](#) was also developed to facilitate council/board conversations to develop a code of conduct.

In addition to the above, the WGRC developed a guide, [Forging the Path to Responsible Conduct in your Local Government](#), about fostering responsible conduct, maintaining good governance, resolving conduct issues informally and the essentials of code of conduct enforcement.

In June 2022, the *Community Charter* was amended to include new sections 113.1 and 113.2 that now require a board, within six months after its first regular meeting following a general local election to decide whether to establish a code of conduct or review an existing code of conduct. Before making a decision, the Board must consider the prescribed principles for codes of conduct, consider the other prescribed matters and comply with the prescribed requirement regarding public notice or consultation. The Lieutenant Governor in Council may make regulations regarding the above.

Should the Board decide not to establish a code of conduct, it must make available to the public, on request, a statement explaining the reasons for its decision. The Board must then reconsider their decision before January 1 in the year of the next general local election and consider the same principles and prescribed matters noted above.

The member jurisdictions that have an established Code of Conduct for their Council and/or committees include:

- Village of Anmore:
 - [Council Code of Conduct](#)
 - [Council Committees' Code of Conduct](#)
- Village of Lions Bay [Council Code of Conduct](#)
- City of Maple Ridge [Council Code of Conduct](#)
- District of North Vancouver [Council Code of Ethics](#)
- City of Pitt Meadows [Council Code of Conduct](#)
- City of Port Moody [Council Code of Conduct](#)
- City of Surrey [Council Code of Conduct](#)
- City of Vancouver [Council Code of Conduct](#)
- City of White Rock [Code of Conduct for Committee Members](#)

Other regional districts that have an established Code of Conduct include:

- Cariboo Regional District [Code of Conduct and Ethics](#)
- Regional District of Central Okanagan [Board Code of Conduct](#)
- Comox Valley Regional District [Board Code of Conduct](#)
- Cowichan Valley Regional District [Code of Conduct for Elected Officials Policy](#)
- Regional District of Nanaimo Board Code of Conduct
- Regional District of Okanagan-Similkameen [Board Code of Ethics](#)
- qathet Regional District [Board Code of Conduct](#)
- Squamish-Lillooet Regional District [Board Code of Conduct](#)

7. APPENDICES

Appendix A: Procedure Bylaw Review Project Scope

Appendix B: “Procedure Bylaw Guide: For B.C.’s Local Governments” (the “Ministry/LGMA Guide”) - Ministry of Municipal Affairs and Local Government Management Association (LGMA): [Procedure Bylaw Guide: For B.C.'s Local Governments](#)

Appendix C: “Guidance for Adapting to the New Electronic Meetings Framework” – Ministry of Municipal Affairs: [Guidance for Adapting to the New Electronic Meetings Framework \(gov.bc.ca\)](#)

Appendix D: “Public Notice Guidance Materials: For B.C. Local Governments” – Ministry of Municipal Affairs: [Public Notice Guidance Materials: For B.C. Local Governments](#)

Appendix E: Public Notice Regulation B.C. Reg. 52/2022: [Public Notice Regulation \(gov.bc.ca\)](#)

Appendix F: Responsible Conduct of Locally Elected Officials: [Responsible conduct of locally elected officials - Province of British Columbia \(gov.bc.ca\)](#)

Appendix G: Member jurisdictions and other Regional District Procedure Bylaws:

- [Village of Anmore Procedure Bylaw No. 541-2016](#)
- [Village of Belcarra Council Procedure Bylaw No. 593.2021](#)
- [Bowen Island Municipality Council Procedure Bylaw No. 529, 2020](#)
- [City of Burnaby Procedure Bylaw No. 11714, 2004](#)
- [City of Coquitlam Council Procedure Bylaw No. 5200, 2022](#)
- [City of Delta Council Procedure Bylaw No. 5000, 2000](#)
- [City of Langley Council Procedure Bylaw, 2021, No. 3193](#)
- [Township of Langley Council Procedure Bylaw 2016, No. 5199](#)
- [Village of Lions Bay Council Procedures Bylaw No. 476, 2015](#)
- [City of Maple Ridge Council Procedure Bylaw No. 7799-2021](#)
- [City of New Westminster Council Procedure Bylaw No. 6910, 2004](#)
- [City of North Vancouver Council Procedure Bylaw, 2015, No. 8500](#)
- [District of North Vancouver Council Procedure Bylaw 7414](#)
- [City of Pitt Meadows Council Procedure Bylaw No. 2834, 2019](#)
- [City of Port Coquitlam Council and Committee Procedures Bylaw, 2015, No. 3898](#)
- [City of Port Moody Council Procedure Bylaw, 2015, No. 3013](#)
- [City of Richmond Council Procedure Bylaw No. 7560](#)
- [City of Surrey Council Procedure By-Law No. 15300](#)
- [City of Vancouver Procedure By-Law No. 12577](#)
- [District of West Vancouver Council Committee Procedure Bylaw No. 5020, 2019](#)
- [City of White Rock Council and Committee Procedure Bylaw, 2021, No. 2393](#)
- [Capital Regional District Board Procedures Bylaw, 2012, No. 3828](#)
- [Fraser Valley Regional District Board and Committee Procedures Bylaw No. 1600, 2020](#)

PROCEDURE BYLAW REVIEW

Project Scope

Prepared by: Chris Plagnol

Date: 2002 March 28

BACKGROUND

The current *Procedure Bylaw* (Bylaw 1205) was adopted in 2014, and has been amended six (6) times since then to respond to changing circumstances. Staff are aware of additional revisions that could benefit the proceedings of the board and its committees, and are aware of new statutory requirements that must be considered, as well. As a result, an overall review of the *Procedure Bylaw* at this time is warranted.

For reasons that are not entirely clear, the board requested a complete review of the *Procedure Bylaw*. It is assumed that the driver for the review was related to delegation provisions. At its meeting held February 25, 2022, the board passed the following resolution:

That the MVRD Board request staff to conduct a comprehensive review of the Metro Vancouver Regional District Procedure Bylaw and report back with suggested changes.

This document outlines the scope of effort to conduct a comprehensive review.

APPROACH

It is recommended that staff engage a local government consultant with expertise in local government corporate administration (ideally corporate officer experience in a regional district) and with experience with local government meeting procedures.

SCOPE

The review of the Procedure Bylaw will comprise three (3) parts, as outline below. Given the regional district is a federation of 23 jurisdictions, the review should be all encompassing including local rules in use at municipal councils as set out in their Procedure Bylaws.

1. Prepare a gap analysis to compare with existing authorities
 - LGMA-Ministry of Municipal Affair Bylaw Guidelines
 - Local Government Act and Community Charter – select provisions
 - Bill 26 Provisions, notably consideration of “code of conduct” and “modernized notice”
 - Roberts Rules of Order or similar meeting rules authority – select provisions
 - Member Jurisdictions’/ other Regional Districts’ Procedure Bylaws and Codes of Conduct
 2. Identify options for changes:
 - keep status quo (no change),
 - insert a new provision,
 - remove an irrelevant provision, and
 - revise an existing provision (with one or more proposed options).
 3. Present recommendations
 - Prepare recommendations in a written report for consideration by staff. Still will comment, seek clarification, and prepare, as appropriate, for committee and board (in such a way to foster discussion and feedback) consideration
-

- Consultant may, as requested by staff, present to the committee
- Further, it is expected that the recommendation will include:
 - a net new bylaw (repealing previous)
 - adopt a plain language writing style

TASKS AND EFFORT

Tasks

1. review existing Procedure Bylaw
2. meet with CO to discuss project
3. meeting with staff to identify known issues with the bylaw
4. develop gap analysis grid, with all PB provisions.
5. review existing provision (about 50) against the following and include on gap grid:
 - a. LGMA-Ministry Guidelines
 - b. LGA-CC Provisions – Selected Only
 - c. Bill 26 Provisions
 - d. Industry Standard Rule Authorities (ie. RONR) – Selected only
 - e. Member Jurisdictions' select Regional Districts' Procedure Bylaws and Codes of Conduct
Note: about 21+ jurisdictions
6. identify options for change, if any, on the gap grid.
7. prepare summary of recommendations for change (based on the gap analysis)
8. Present to committee (if requested)

SCHEDULE

This project must be undertaken in a timely fashion to meet the request by the Board, and ensure that the project is completed prior to the October general local elections. On that basis, the following is the preferred or suggested scheduled:

Month	Activity
April – May	Research phase / Information collection and analysis
June	Consultant reports out findings
July	Staff reports to Finance Committee and Board with report, and seek direction for bylaw
September	Staff brings draft bylaw to Finance Committee and Board for adoption
October	If the committee refers back bylaw with requests for change, staff will bring back revised bylaw for adoption in October (final chance)

PROCEDURE BYLAW CONSOLIDATED

THIS IS A CONSOLIDATION, FOR REFERENCE PURPOSES, OF:

- "Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014". This bylaw may be cited as "Procedure Bylaw".
(Adopted May 2, 2014)
 - (Prior citation "Greater Vancouver Regional District Procedure Bylaw Number 1205, 2014", amended by Bylaw 1257, 2018.)
- "Greater Vancouver Regional District Procedure Amending Bylaw Number 1239, 2017".
(Adopted January 27, 2017)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1257, 2018".
(Adopted January 26, 2018)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1297, 2020".
(Adopted February 28, 2020)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1305, 2020".
(Adopted March 25, 2020)
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1322, 2021".
(Adopted June 25, 2021).
- "Metro Vancouver Regional District Procedure Amending Bylaw Number 1325, 2021".
(Adopted September 24, 2021).

As of September 24, 2021

COPIES OF THE ORIGINAL BYLAWS MAY BE INSPECTED AT
BOARD AND INFORMATION SERVICES, METRO VANCOUVER.

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NUMBER 1205, 2014**

**A Bylaw to regulate the proceedings of the Metro Vancouver Regional District
Board and Committees**

Revised by Bylaw 1239, 2016

WHEREAS the *Local Government Act*, RSBC 2015, Chapter 1, as amended (the “Act”) requires the Board to establish the general proceedings to be followed by the Board and Board committees in conducting their business;

NOW THEREFORE the Board of the Metro Vancouver Regional District, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 - INTRODUCTION

Revised by Bylaw 1257, 2018

Title

- 1.1 This bylaw shall be cited as "Metro Vancouver Regional District Procedure Bylaw Number 1205, 2014".

Definitions

- 1.2 In this bylaw:

“Act” means the *Local Government Act*;

“audio and video recording devices” means any equipment enabling the recording and or transmission of sound and or visual images;

Revised by Bylaw 1257, 2018

“Board” means the Board of Directors of the Metro Vancouver Regional District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the Act, or the person appointed as the Chair, Vice Chair or other person presiding at a meeting of the Board or committee;

“Charter” means the *Community Charter*;

“committee” means, as the context requires, a select committee established by the Board, or a standing committee established by the Board Chair;

Revised by Bylaw 1239, 2016

“Corporate Officer” means the officer assigned corporate administration responsibilities under section 236 [*corporate administration*] of the Act and includes that officer’s designate;

“director” means a member of the Board, whether as a municipal director, as an electoral area director, or as a Treaty First Nation director pursuant to the Act;

Added by Bylaw 1325, 2021

“Electronic Meeting” means a meeting where some or all members are Electronic Participants;

“Electronic Participant” means a member who participates in a meeting by means of electronic or other communication facilities;

“In-Person Meeting” means a meeting where all members attend in-person;

Revised by Bylaw 1325, 2021

“Meeting” means a meeting of the Board, or a meeting of a committee, as the context requires, and includes an Electronic Meeting and an In-Person Meeting;

“member” means a director of the Board, or a person appointed to a committee, as the context requires;

Added by Bylaw 1325, 2021

“Unsafe Conditions” means any one or more of epidemics, pandemics, extreme weather conditions, fires, explosions, natural disasters, floods, riots or road blockages.

Revised by Bylaw 1257, 2018

“posting place” means the public notice board located on the 28th floor at the offices of the Metro Vancouver Regional District, 4730 Kingsway, Burnaby, British Columbia, and the MVRD website;

Revised by Bylaw 1257, 2018

“regional district” means the Metro Vancouver Regional District;

“regular meeting” means all regularly scheduled meetings;

Revised by Bylaw 1239, 2016

“select committee” means a committee established by the Board, pursuant to section 218 *[Appointment of select and standing committees]* of the Act, to consider or inquire into any matter and report its findings and opinion to the Board, after which the select committee disbands.

“special meeting” means a meeting other than a statutory, regular, or statutory or regular adjourned meeting.

“standing committee” means a committee established by the Board Chair, pursuant to section 218 *[Appointment of select and standing committees]* of the Act, that meets regularly to deliberate on matters the Chair considers would be better dealt with by committee.

Application of rules of procedure

- 1.3 The rules of procedure as set out in this bylaw apply to all meetings of the Board and committees except as otherwise provided.

- 1.3.1 The Standing Orders of the Legislative Assembly of British Columbia, not including the House of Commons of the United Kingdom of Great Britain and Northern Ireland, shall as far as they may be applicable, apply to all unprovided cases of the proceedings of the Board and committees.

Motion to Suspend the Rules

- 1.4 Any member may give notice of a motion to temporarily suspend any one or more of the rules contained in this Bylaw, provided that such suspension is not inconsistent with or in contravention of any statutory requirement, by providing the Corporate Officer with a written copy of such motion no later than two working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting. The notice must specify which rule is to be temporarily suspended and the item on the agenda to which that suspension will apply.
- 1.5 At a meeting, any member may at any time introduce a motion to temporarily suspend any one or more of the rules contained in this Bylaw provided that such suspension is not inconsistent with or in contravention of any statutory requirement, but such motion may only be adopted by at least two thirds vote of the members present.

PART 2 - ELECTION OF CHAIR AND VICE CHAIR

Revised by Bylaw 1239, 2016

- 2.1 As provided in section 215 [*Chair and vice chair of board*] of the Act:
- (1) At the first meeting held after November 1 in each year, the Board must elect a Chair and a Vice Chair.
 - (2) The Vice Chair has, during the absence, illness or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (3) If the Chair and the Vice Chair are not present at a meeting of the Board, the directors present may elect an acting Chair who, during that meeting, has all the powers of the Chair and is subject to all rules applicable to the Chair.
 - (4) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.
- 2.2 The call for nominations for the office of Board Chair shall be conducted by the Corporate Officer, and the call for nominations for the office of Board Vice Chair shall be called by the Board Chair.
- 2.3 If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation.
- 2.4 If more than one candidate is nominated for an office, an election by voting shall be held and voting shall be conducted by secret ballot.
- 2.5 The counting of ballots shall be conducted by the Corporate Officer together with the Treasurer or Corporate Solicitor. Immediately thereafter the ballots shall be destroyed.
- 2.6 The candidate with the most votes for an office shall be declared elected to that office.

Tie vote

- 2.7 In the event of a tie vote for the most votes of two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by lot between those candidates as follows:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
 - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
 - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
 - (d) a person who is not a candidate shall be asked to withdraw one paper;
 - (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.
- 2.8 In the event of a tie vote for the most votes of more than two candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election is determined by preferential ballot system.

PART 3 – MEETINGS

Replaced by Bylaw 1325 2021

Regular board meetings – date, time and place

- 3.1 No later than the last board meeting in November, the Corporate Officer shall provide an annual schedule of regular board meetings for the upcoming year, including the date, time and place of meetings, and meetings shall be held accordingly unless otherwise determined by resolution of the Board.
- 3.1.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of regular board meetings at the posting place.
- 3.1.2 In the case of regular board meetings conducted as Electronic Meetings, advance public notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.1.3 In the event of a change to a regular board meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Regular committee meetings – date, time and place

- 3.2 As soon as possible after the Board Chair has established committees, the Corporate Officer shall establish an annual schedule of committee regular meetings including the date, time, and place of the meetings and provide the annual schedule of committee regular meetings to each member of each committee.
- 3.2.1 For the purposes of advance public notice, the Corporate Officer shall post the annual schedule of committee regular meetings at the posting place.
- 3.2.2 In the case of regular committee meetings conducted as Electronic Meetings, advance public notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.2.3 A committee Chair may call additional meetings, or cancel a meeting, change the date, time, or place of a regular meeting where circumstances require.
- 3.2.4 In the event of a change to a regular committee meeting date, time, place, way in which the Electronic Meeting will be conducted, or place where the public may attend to hear, or watch and hear, the proceedings of an Electronic Meeting that are open to the public, the Corporate Officer shall as soon as possible post the change at the posting place.

Special meetings – calling and conduct

- 3.3 Pursuant to section 220 [*Calling of special board meetings*] of the *Act*, a special meeting shall be called by the Corporate Officer on the request of the Chair or any two members, by notice mailed to each member at least five days before the date of the meeting to the address given by each member to the Corporate Officer for that purpose.
- 3.4 The notice shall state the general purpose of the meeting and the day, time and place of the meeting, as well as whether the meeting is to be conducted as an Electronic Meeting or an In-Person Meeting.
- 3.4.1 In the case of Special Meetings conducted as Electronic Meetings, notice must include:
- (a) the way in which the Electronic Meeting will be conducted; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
- 3.5 The notice of any special meeting may be waived by a unanimous vote of the Board or committee, as the context requires.

- 3.6 In an emergency, notice of a special meeting may be given with the consent of the Chair and two members, less than five days before the date of the meeting, and notice of the meeting does not need to be given in writing.

Electronic Meetings

- 3.6.1 A meeting may be conducted as an Electronic Meeting or an In-Person Meeting.
- 3.6.2 Electronic Meetings must abide by the rules established by Board policies pertaining to Electronic Meetings.

In-Person Meetings

- 3.6.3 Subject to Section 3.6.4, certain meetings throughout the calendar year may be determined to require in-person attendance by members, when:
- (a) established as In-Person Meetings on the annual Board and committee schedules referred to in Part 3;
 - (b) carried by resolution of the Board or committee; or
 - (c) given the nature of one or more items on the agenda, the Chair determines in-person attendance as a requirement, subject to members being provided with seven (7) of advance notice of the requirement to attend in person. The advance notice of any change of a scheduled meeting to an In-Person Meeting may be waived by a unanimous vote of the Board or committee, as the context requires.
- 3.6.4 If the Chair determines that Unsafe Conditions exist that have the potential to cause risk to the health and/or safety of members scheduled to attend an In-Person Meeting, then notwithstanding Section 3.6.3, the Chair may permit members to participate by means of electronic or other communication facilities.

Special meeting - advance public notice

- 3.7 At least one working day before a special meeting the Corporate Officer must give advance public notice of the day, hour and place of the meeting by way of a notice posted at the posting place.
- 3.8 Section 3.7 does not apply when notice to the members has been waived under section 3.5 or given under section 3.6 and it is otherwise impractical to provide the advance public notice under section 3.7.

Revised by Bylaw 1239, 2016

Attendance of public at meetings

- 3.9 Pursuant to section 226(1)(a) [*Board proceedings: application of Community Charter*] of the Act and section 89 [*open meetings*] of the Charter, a meeting must be open to the public, except as provided in section 3.10.

Requirements before meeting is closed

- 3.10 As provided in section 92 [*Requirements before meeting is closed*] of the Charter, before holding a meeting or part of a meeting that is to be closed to the public, the Board or committee must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
 - (b) the basis under the applicable subsection of section 3.11 on which the meeting or part is to be closed.

Meetings that may or must be closed to the public

- 3.11 As provided in section 90 [*Meetings that may or must be closed to the public*] of the Charter:
- (1) A part of a meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the regional district or another position appointed by the regional district;
 - (b) personal information about an identifiable individual who is being considered for a regional district award or honour, or who has offered to provide a gift to the regional district on condition of anonymity;
 - (c) labour relations or other employee relations;
 - (d) the security of the property of the regional district;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the Board or committee considers that disclosure could reasonably be expected to harm the interests of the regional district;
 - (f) law enforcement, if the Board or committee considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the regional district;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the regional district, other than a hearing to be conducted by the Board or committee or a delegate of the Board or committee;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
 - (k) negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the Board or committee, could reasonably be expected to harm the interests of the regional district if they were held in public;
 - (l) discussions with regional district officers and employees respecting regional district objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*] of the Charter;
 - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - (n) the consideration of whether a meeting should be closed under a provision of this subsection or subsection (2);

- (o) the consideration of whether the authority under section 91 [*Other persons attending closed meetings*] should be exercised in relation to a meeting.
- (2) A part of a meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
 - (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the Board is designated as head of the local public body for the purposes of that *Act* in relation to the matter;
 - (b) the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - (c) a matter that is being investigated under the *Ombudsman Act* of which the regional district has been notified under section 14 [*ombudsman to notify authority*] of that *Act*;
 - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (3) If the only subject matter being considered at a meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Other persons attending closed meetings

3.12 As provided in section 91 [*Other persons attending closed meetings*] of the Charter:

- (1) If all or part of a meeting is closed to the public, the Board or committee may allow one or more regional district officers and employees to attend or exclude them from attending, as it considers appropriate.
- (2) If all or part of a meeting is closed to the public, the Board or committee may allow a person other than regional district officers and employees to attend,
 - (a) in the case of a meeting that must be closed under section 3.11 (2), if the Board or committee considers this necessary and the person
 - (i) already has knowledge of the confidential information, or
 - (ii) is a lawyer attending to provide legal advice in relation to the matter, and
 - (b) in other cases, if the Board or committee considers this necessary.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Revised by Bylaw 1239, 2016

Meetings and hearings outside regional district

3.13 As provided in section 224 [*Meetings and hearings outside regional district*] of the *Act*, the following meetings may take place outside the boundaries of the regional district:

- (a) board meetings;
- (b) committee meetings;
- (c) other public meetings conducted by or on behalf of the Board or a board committee;
- (d) board hearings that are required by law or authorized by an enactment; and
- (e) board proceedings in which a person is entitled under the *Act* to make representations to the Board.

Duty to respect confidentiality

- 3.14 Pursuant to section 117 [*Duty to respect confidentiality*] of the Charter, a member or former member must, unless specifically authorized by the Board or committee:
- (a) keep in confidence any record held in confidence by the regional district, until the record is released to the public as lawfully authorized or required, and
 - (b) keep in confidence information considered in any part of a meeting that was lawfully closed to the public, until the Board or committee discusses the information at a meeting that is open to the public or releases the information to the public.

Corporate Officer to attend

- 3.15 The Corporate Officer shall attend all meetings and record the business, proceedings and reports thereof.

PART 4 - QUORUM**Chair to preside at meetings**

- 4.1 The Chair, if present, shall preside at all meetings. In the absence of the Chair from a meeting, the Vice Chair shall preside.

Revised by Bylaw 1239, 2016

- 4.1.1 In the absence of both the Chair and Vice Chair, the Corporate Officer shall call the meeting to order and call for a motion from the members present to appoint a member to preside as acting Chair pursuant to section 215(3) of the *Act*.

Quorum

- 4.2 A quorum of the Board is a majority of all the directors having among them a majority of all the votes and a quorum of a committee is a majority of the members appointed to that committee.
- 4.2.1 If a quorum is not present within thirty minutes after the time established for a meeting, the Corporate Officer shall record the names of the members present and the meeting shall stand adjourned.
- 4.2.2 As soon after the hour of meeting as there shall be a quorum present the Chair will call the meeting to order.

PART 5 - ORDER OF BUSINESS**Order of business**

- 5.1 Unless otherwise determined by resolution of the Board or committee, the order of business for meetings shall be as follows:
- 5.1.1 For board regular meetings:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations

- (e) Consent Agenda
- (f) Items Removed from the Consent Agenda
- (g) Reports from Committee or Chief Administrative Officer (not included on the Consent Agenda)
- (h) Motions for Which Notice Has Been Given
- (i) Other Business
- (j) Business Arising from Delegations
- (k) Resolution to Close Meeting
- (l) Rise and Report (Items Released from Closed Meeting)
- (m) Adjournment or Conclusion.

5.1.1.1 Subsections 5.1.1(e), (f), and (k) do not apply to a board regular closed meeting.

- 5.1.2 For committee regular meetings:
- (a) Adoption of the Agenda
 - (b) Adoption of the Minutes
 - (c) Delegations
 - (d) Invited Presentations
 - (e) Reports from Committee or Chief Administrative Officer
 - (f) Information Items
 - (g) Other Business
 - (h) Business Arising from Delegations
 - (i) Resolution to Close Meeting
 - (j) Adjournment or Conclusion.

5.1.2.1 Subsection 5.1.2(i) does not apply to a committee regular closed meeting.

- 5.1.3 For special board or committee meetings:
- (a) Adoption of the Agenda
 - (b) Reports from Committee or Chief Administrative Officer
 - (c) Resolution to Close Meeting
 - (d) Rise and Report (Items Released from a Board Closed Meeting)
 - (e) Adjournment or Conclusion.

5.1.3.1 Subsection 5.1.3(c) does not apply to special board or committee closed meetings.

5.1.3.2 Subsection 5.1.3 (d) does not apply to committees.

Addition of agenda items by a member

- 5.2 At a meeting, a member may, at the time adoption of the agenda is being considered, propose to place an additional item on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

- 5.2.1 Notwithstanding section 5.2, after the meeting agenda has been adopted, a member may propose to place an item of an urgent matter on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds vote of the members present.

Revised by Bylaw 1239, 2016

Minutes

- 5.3 As provided in sections 223(1) [*Minutes of board meetings*] and 223(2) [*Minutes of a board committee meeting*] of the Act:
- (1) Minutes of board meetings must be
 - (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted; and
 - (2) Minutes of a committee meeting must be
 - (a) legibly recorded, and
 - (b) signed by the Chair or member presiding at the meeting.

Consent agenda

- 5.4 The consent agenda portion of a board agenda shall consist of staff or committee report items that contain clear 'take action, give approval, or receive for information' recommendations.
- 5.5 Directors may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a board agenda.
- 5.6 At any time prior to the vote under section 5.5, a director may for the purposes of:
- (a) debate or discussion,
 - (b) voting in opposition to a recommendation on the consent agenda, or
 - (c) declaring a conflict of interest with respect to an item on the consent agenda, request that an item be removed from the consent agenda. The item will be considered immediately after the consideration of the consent agenda.

Adjourn

- 5.7 A meeting which has been in session for four hours from the time the meeting was convened is deemed to be adjourned unless the Board or committee resolves to extend the meeting.
- 5.7.1 Notwithstanding section 5.7, a motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding shall have been taken.

PART 6 - KEEPING ORDER

Expelling a person

- 6.1 The Chair may expel a person from a meeting as provided in section 133 [*expulsion from meetings*] of the Charter as follows:
- (a) If the Chair considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
 - (b) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

Use of audio and or video recording devices

- 6.2 No person shall use or operate any audio and or video recording devices at a meeting unless audio and or video recording devices are placed in a location designated by the Chair for that purpose and remain in that location during the course of the meeting.
- 6.2.1 Notwithstanding section 6.2, audio and or visual recording devices must not be used or operated during a closed meeting unless expressly permitted by the Board or committee.

Points of order

- 6.3 The Chair shall preserve order and decide all points of order which may arise.

Appeal

- 6.4 Any decision of the Chair made under Section 6.3 may be appealed by a member and on an appeal by a member from the decision of the Chair, the question shall be immediately put by the Chair and decided without debate, "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present excluding the Chair.
- 6.4.1 In the event of the votes being equal, the question shall pass in the affirmative.
- 6.4.2 The names of the members voting for or against the question shall be recorded in the minutes.
- 6.4.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Board or committee shall immediately appoint a member to preside temporarily and the member so temporarily appointed shall proceed in accordance with Section 6.4 and Subsections 6.4.1 and 6.4.2.
- 6.5 Any resolution or motion carried under the circumstances mentioned in Section 6.4.3 is as binding as if carried out with the Chair presiding.

PART 7 - DEBATE

- 7.1 Where there is a motion under debate a member shall not speak other than on that motion under debate and the matters relating to that motion as set out in Section 8.2.

7.2 No director shall speak on any question for longer than three minutes without leave of the Chair.

7.2.1 Section 7.2 does not apply to committees.

7.3 Any member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

7.4 No director shall speak more than once to the same motion without leave of the Chair except:

- (a) in explanation of a material part of his or her speech which may have been misunderstood, provided in doing so that director does not introduce any new matter, and no debate shall be allowed upon such explanation; or
- (b) in reply by a director who moved the substantive motion to the Board, but not to any director who has moved an amendment or a non substantive motion.

7.4.1 Section 7.4 does not apply to committees.

7.5 If, during debate on a motion, a motion to refer or defer that motion is put while there remain members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such motion of deferral or referral until those on the list of speakers for the first motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the motion to defer or refer and, receiving an affirmative response, shall call the question on such motion.

7.6 At any time during debate on a motion, a director may move "That the vote on the motion be called" and that motion shall be decided without amendment or debate. If the motion "That the vote on the motion be called" is adopted by at least two thirds vote of the members present, the motion consequent thereon shall be immediately called and voted upon without further debate or amendment.

7.6.1 Section 7.6 does not apply to committees.

PART 8 - MOTIONS

8.1 A motion shall be made and seconded before being debated or finally put by the Chair.

8.2 When a motion is under debate it is deemed to be in possession of the Board or committee and no motion shall be received unless to amend it, to refer it, to table it, to defer it, to withdraw it, to adjourn, or to call the question.

Amendments

8.3 Amendments shall be voted on in the reverse order to that in which they are moved.

8.3.1 Every amendment submitted shall, when requested by any member, be reduced to writing and be decided upon or withdrawn before the main question is called.

- 8.3.2 Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion.

Referral

- 8.4 A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

Chair determines contrary to rules

- 8.5 When the Chair is of the opinion that a motion put before the Board is contrary to the rules of the Board or committee, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances.

PART 9 - NOTICE OF MOTION

- 9.1 Any director desiring to bring before the Board any new matter, other than a point of order or of privilege, shall do so by way of motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and shall be dealt with as provided by Section 9.1.1.

- 9.1.1 Any director may give notice of a motion to the Board by:
- (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or
 - (b) providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

PART 10 - RECONSIDERATION, RESCISSION OF A RESOLUTION

Chair may propose board reconsideration of a matter

Revised by Bylaw 1239, 2016

- 10.1 Notwithstanding section 5.2, as provided in 217 [*Chair may require board reconsideration of a matter*] of the Act and section 131 [*Mayor may require council reconsideration of a matter*] of the Charter, the Chair may require Board reconsideration of a matter as follows:
- (1) Without limiting the authority of a Board to reconsider a matter, the Chair may require the Board to reconsider and vote again on a matter that was the subject of a vote.
 - (2) In exercising the power under subsection (1), the Chair may return the matter for reconsideration at the meeting of the Board following the original vote.
 - (3) A matter may not be reconsidered under this section if

- (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board, or
 - (b) there has already been a reconsideration under this section in relation to the matter.
- (4) On a reconsideration under this section, the Board
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Director, other than the chair, may propose board reconsideration of a matter

- 10.2 After a vote has been taken on any motion, a director (except the Chair), who voted with the majority for or against that resolution may, at the regular meeting of the Board following the original vote, introduce a motion to reconsider that resolution in accordance with section 5.2 or section 9.1 (b).

General provisions for board reconsideration

- 10.3 When a motion to reconsider has been presented, no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.
- 10.4 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

Rescission/Amendment of a previously decided resolution

- 10.5 At a board meeting, any director may at any time introduce a motion to rescind or amend a previously decided resolution which has been adopted in the affirmative or negative in accordance with section 5.2 or section 9.1 (b), and at a committee meeting, any member may do so in accordance with section 5.2.
- 10.5.1 Notwithstanding section 10.5, a member may at any time introduce a motion to rescind or amend a previously decided resolution if the motion is made at the same meeting as the previously decided resolution.
- 10.5.2 Notwithstanding section 10.5, a motion to rescind or to amend a resolution is not in order under the following circumstances:
- (a) If some action integral to the resolution now being rescinded or amended has been taken as a result of the previous decision and that action is impossible to undo; or
 - (b) If the resolution is so intimately connected with another resolution that the resolution cannot be considered as a distinct proposition.

PART 11 - VOTING

Tie vote

11.1 In all cases where the votes of the members present and entitled to vote, including the vote of the Chair, are equal for and against a question, the question shall be declared in the negative, and it shall be the duty of the Chair or other member presiding to so declare.

11.1.1 Any member then present who abstains from voting shall be deemed to have voted in the affirmative.

Recorded vote

11.2 At a board meeting, a director may call for a recorded vote, and if so called, the Corporate Officer shall record in the minutes the names of each director present, the manner in which that director has voted, and the number of votes assigned to such director.

11.2.1 Section 11.2 does not apply to committees.

Distinct propositions

11.3 When the motion under debate contains several parts, each of which is capable of standing as a complete proposition if the others are removed, a separate vote upon each such proposition shall be taken if requested by any member.

Members attendance for vote

11.4 Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a member has declared a conflict of interest.

Conflict of interest

11.5 Pursuant to section 100 [*Disclosure of conflict*] of the Charter, if a member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has

- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.

11.5.1 After making a declaration under section 11.5, the member must not do anything referred to in section 101 (2) [*Restrictions on participation if in conflict*] of the Charter.

11.5.2 As an exception to section 11.5.1, if a member has made a declaration under section 11.5 and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,

- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- 11.5.3 For certainty, a member who makes a statement under section 11.5.2 remains subject to section 101 *[Restrictions on participation if in conflict]* of the Charter.
- 11.5.4 When a declaration under section 11.5 or a statement under section 11.5.2 is made,
 - (a) the Corporate Officer must record in the minutes the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room and, if applicable, of the member's return, and
 - (b) unless a statement is made under section 11.5.2, the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.
- 11.5.5 Pursuant to section 101 *[Restrictions on participation if in conflict]* of the Charter, if a member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 11.5, the member must not:
 - (a) remain or attend at any part of a meeting referred to in section 100 (1) *[Disclosure of conflict]* of the Charter during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

PART 12 - BYLAWS

Revised by Bylaw 1239, 2016

- 12.1 Bylaws shall be read and adopted in accordance with section 225 *[Procedures, bylaws and enforcement]* of the Act.

Copies of proposed bylaws to directors

- 12.2 Every proposed bylaw shall be in written form before it is considered by the Board and a copy shall be provided to each director when it is under discussion.

Introduction, reading and adopting bylaws

- 12.3 Every proposed bylaw shall be introduced by motion.
- 12.4 A proposed bylaw may be debated or amended at any time during the first three readings unless prohibited by the Act.

- 12.5 A bylaw shall be deemed to be read when its title or bylaw number is stated.
- 12.6 Every proposed bylaw must be given first, second and third reading before it is passed and finally adopted.
- 12.7 Every proposed bylaw may be introduced and given first, second and third readings at the same meeting by one motion for all three readings.

Revised by Bylaw 1239, 2016

- 12.8 A separate motion that a proposed bylaw be passed and finally adopted must be made at a subsequent meeting, except that as provided in section 228 of the *Act*, a bylaw that does not require approval, consent or assent under the *Act* or any other act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least two thirds vote of the directors present.
- 12.9 As provided in section 89 [*Open meetings*] of the Charter, a Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Certification and storage

- 12.10 When a bylaw is read at a board meeting, the Corporate Officer shall certify the readings and dates at the end of such bylaw. After a bylaw has been adopted the Corporate Officer shall be responsible for its correctness, including any amendments.
- 12.11 Every bylaw which has been adopted by the Board shall be signed without delay by the Chair and the Corporate Officer, sealed with the seal of the Board, and retained by the Corporate Officer for safekeeping.
- 12.12 After their adoption by the Board, all bylaws shall be filed in their regular order and shall have an index prepared for the same.

Repeal of a bylaw

- 12.13 The repeal of any bylaw or part of any bylaw shall not, unless a contrary intention appears, revive any bylaw or Part thereof not in force or existing at the time at which a bylaw takes effect or prevent the effect of any saving clause therein.

PART 13 - DELEGATIONS

General provisions

- 13.1 No person, persons or organization shall appear as a delegation more than once to the same agenda item except to introduce new and material information.
- 13.2 Each delegation shall be limited to a maximum time of five minutes to make a presentation to the Board or a committee unless otherwise determined by leave of the Chair.

13.2.1 The Board or committee shall be limited to a maximum of five minutes in which to direct questions to the respective delegation unless otherwise determined by leave of the Chair.

13.3 Each delegation:

- (a) may provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee and board agenda package; and
- (b) may provide the Corporate Officer with a copy of the delegation's complete presentation and other relevant background material for the record.

13.4 The subject matter upon which a delegation wishes to speak must:

- (a) be within the jurisdiction of the regional district; and
- (b) be within the terms of reference of the committee for which the delegation wishes to appear.

13.4.1 A request to appear as a delegation at a Council of Councils Committee will not be accepted unless a meeting of the Councils of Council's Committee has been called for the express purpose of hearing delegations on a matter.

Revised by Bylaw 1322, 2021

13.4.2 A request to appear as a delegation at a board or committee meeting will not be accepted if it relates to a public procurement process for the provision of goods, services or construction for Metro Vancouver Regional District between the time that such procurement process has been posted and the time any resulting contract or proposal call has been awarded, or other final decision made.

Regular delegation – committee

13.5 Any person, persons or organization wishing to appear as a regular delegation before a committee shall submit a written request to the Corporate Officer at least seven working days prior to the scheduled meeting.

13.5.1 The written request must stipulate:

- (a) the subject matter upon which the delegation wishes to speak;
- (b) the name of the designated speaker; and
- (c) the specific action which is being requested of the committee by the delegation.

13.5.2 Each delegation may, at least seven working days before a scheduled meeting, provide the Corporate Officer with an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable committee agenda package.

13.5.3 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.5.4 The delegation appearance and the subject of the delegation will be included on the meeting agenda.

Late delegation – committee

13.6 Any person, persons, or organization who deems their interests to be affected by a report on a committee agenda and who, because of circumstances, could not have been expected to give earlier notice pursuant to section 13.5, may request to appear as a late delegation before the committee by submitting a written request, before the meeting is convened, to the Corporate Officer, stipulating:

- (a) the circumstances preventing the delegation from giving earlier notice;
- (b) how the delegation's interests are affected by a report on a committee agenda;
- (c) the name of the report that the delegation wishes to speak to;
- (d) the name of the designated speaker; and
- (e) the specific action which is being requested of the committee by the delegation.

13.6.1 The Corporate Officer shall advise the committee Chair of the late delegation request and circulate the written request and the executive summary, if available, to the committee members on table at the committee meeting.

13.6.2 The committee shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the late delegation request as an additional item on the agenda in accordance with section 5.2.

Delegation – board

13.7 Any person, persons or organization who deems their interests to be affected by a report on a board agenda may request to appear as a delegation before the Board by submitting a written request to the Corporate Officer no later than forty-eight hours prior to the scheduled board meeting stipulating:

- (a) how the delegation's interests are affected by a report on a board agenda;
- (b) the name of the report that the delegation wishes to speak to;
- (c) the name of the designated speaker; and
- (d) the specific action which is being requested of the Board by the delegation.

13.7.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the delegation of the date, time and place of the meeting at which the delegation is scheduled to appear.

13.7.2 The Corporate Officer shall advise the Board Chair of the delegation request and circulate the written request and the executive summary, if available, to the Board members on table at the board meeting.

13.7.3 The Board shall, at the time adoption of the agenda is being considered, determine if the delegation will be heard, by proposing to place the delegation request as an additional item on the agenda in accordance with section 5.2.

13.8 Any person, persons or organization who wishes to appear before the Board with respect to an emergency matter may, before the meeting is convened, request the Chair to grant approval to the person, persons, or organizations to appear before the Board, by clearly demonstrating the emergency nature of the request. The Chair shall not be obliged to grant approval of any such late delegation request unless the Chair is satisfied that the nature of the emergency prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board.

Invited presentation – board or committee

13.9 The Chair may, under exceptional circumstances, invite a person, persons, or organizations to make a presentation to the meeting. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.

13.9.1 The Corporate Officer shall, at a time reasonably in advance of the meeting, notify the designated speaker of the date, time and place of the meeting at which the designated speaker is scheduled to appear.

PART 14 - COMMITTEES

Conduct of business

14.1 Committees shall conduct business under the rules of procedure as set out in Parts 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 as the context requires and unless otherwise provided.

Revised by Bylaw 1239, 2016

Appointment of select and standing committees

14.2 Select and standing committee appointments may be made pursuant to section 218 [*Appointment of select and standing committees*] of the *Act* as follows:

- (1) A board may appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board.
- (2) The Chair may establish standing committees for matters the Chair considers would be better dealt with by committee and may appoint persons to those committees.
- (3) Subject to subsection (4), persons who are not directors may be appointed by the board to a select committee or by the Chair to a standing committee.

Revised by Bylaw 1297, 2020

- (4) A majority of the members of a committee, except the Council of Councils' Committee and the Committee responsible for the Regional Economic Prosperity Service, shall be directors.

Membership

14.3 The Board Chair and Board Vice Chair shall be ex-officio members of all standing committees but shall not be entitled to vote, and shall not constitute quorum.

Voting

14.4 At a committee meeting, a member of a committee shall have one vote only.

Matters Referred to Committee by the Board

14.5 A committee shall consider and report respectively within the time period established by the Board, on every matter referred to it by the Board and the committee Chair shall raise the matter before the Board.

14.5.1 Any committee member shall have the right to submit a minority report.

14.5.2 Where delegations are heard by a committee, the committee's report to the Board shall include the committee recommendation, notification of the appearance of delegations, and a synopsis of the delegations submissions to the committee.

14.5.3 No action of any committee shall be binding on the Board unless the committee has delivered its report to the Board and the Board has adopted such action.

PART 15 - MISCELLANEOUS PROVISIONS

15.1 "Greater Vancouver Regional District Procedure Bylaw Number 1009, 2005", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1059, 2007", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1066, 2007", "Greater Vancouver Regional District Procedure Amending Bylaw Number 1067, 2007", and "Greater Vancouver Regional District Procedure Amending Bylaw Number 1106, 2009" be and are hereby repealed.

To: Mayors Committee

From: Jerry W. Dobrovolsky, Commissioner/Chief Administrative Officer

Date: July 26, 2023

Meeting Date: September 6, 2023

Subject: **Manager's Report**

RECOMMENDATION

That the Mayors Committee receive for information the report dated July 26, 2023, titled "Manager's Report".

Mayors Committee Work Plan

Attachment 1 to this report sets out the Committee's Work Plan for 2023. The status of the Committee's key priorities is shown as pending, in progress, or complete together with the quarter that each is expected to be considered by the Committee.

Attachment

2023 Mayors Committee Work Plan

Mayors Committee 2023 Work Plan

Report Date: July 26, 2023

Priorities

1st Quarter	Status
Mayors Committee 2023 Work Plan and Schedule	Complete
Attendance at 2023 Standing Committee Events	Complete
Housing Supply Act and Strata Property Act Amendments	Complete
Integrated Partnership for Regional Emergency Management Update	Complete
2nd Quarter	Status
Complex Social Issues Associated with Affordability	Complete
BC Ferry Authority Director Appointment	Complete
YVR Annual Update	Complete
Establishment of a Task Force to Consider a Holistic Model of Collaborative Environmental Management for the Burrard Inlet, Fraser River Estuary and Boundary Bay	Complete
Economic Outlook	Pending
3rd Quarter	Status
Drug Decriminalization and Supply, Public Safety, and Mental Health	In Progress
Economic Outlook	Pending
Government Regulatory Impacts	Pending
4th Quarter	Status
Economic Outlook	Pending
Industrial Land Supply	Pending
ALC Issues	Pending
Regional Employer Services Update	Pending