

**TO:** MAYOR & COUNCIL  
**FROM:** GENERAL MANAGER CORPORATE SERVICES  
**SUBJECT:** **PROPOSED BURNABY PROCEDURE BYLAW 2024**  
**PURPOSE:** To propose a new Burnaby Procedure Bylaw for Council's consideration with an effective date of January 1, 2024.

## **RECOMMENDATION**

**THAT** the City Solicitor be authorized to bring forward proposed Burnaby Procedure Bylaw 2024, substantially in the form set out in Attachment 1 to the report titled "Proposed Burnaby Procedure Bylaw 2024" dated October 16, 2023.

## **CHIEF ADMINISTRATIVE OFFICER'S COMMENTS**

I concur with the recommendation of the General Manager Corporate Services.

## **EXECUTIVE SUMMARY**

This report outlines the proposed new Burnaby Procedure Bylaw to replace the 2004 Burnaby Procedure Bylaw, based on feedback received from Council, staff and legal counsel. This report identifies key updates between the bylaws, new provisions and introduces a unified schedule of official motions and order of business for Council and Advisory Body meetings.

### **1.0 POLICY SECTION**

The City of Burnaby is a public body that falls under two main provincial statutes: the *Local Government Act* and the *Community Charter*. Section 124 of the *Community Charter* requires all municipal councils to have a procedure bylaw for the conduct of their business. Every council procedure bylaw must, at minimum:

- establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted;
- establish rules of procedure for meetings of council committees;
- provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;
- provide for advance public notice respecting the time and date and, if applicable, the place of council committee meetings and establish the procedures for giving that notice;

- identify places that are to be public notice posting places for the purposes of statutory public notices;
- establish the procedure for designating the Acting Mayor; and
- establish the first regular council meeting date to be a day in the first 10 days of November following a general local election.

**2.0 BACKGROUND**

It is best practice for municipal councils to review their existing meeting procedure bylaw at the beginning of each new term following a general local election to consider changes that would further enhance their governance effectiveness. The City’s current Procedure Bylaw was originally adopted in 2004, and amended by Bylaws No. 12541, 12758, 13461, 13484, 13933, 14141 and 14378. Therefore, this report proposes a new Burnaby Procedure Bylaw that will repeal and replace the existing bylaw for an effective date of January 1, 2024 (see **Attachment 1**). The new bylaw appears elsewhere on the Council agenda for consideration of First Reading.

After gathering feedback from Council, staff have worked closely with legal counsel as well as other departmental staff on the preparation of the proposed Burnaby Procedure Bylaw 2024. The proposed Burnaby Procedure Bylaw 2024 introduces a new suite of meeting procedure best practices, as well as providing greater clarity on motions, debate and discussion elements for meetings of Council and Committees, Commissions, Boards, special task forces and other ad hoc groups appointed by Council (“Advisory Bodies”).

**3.0 GENERAL INFORMATION**

The proposed Burnaby Procedure Bylaw 2024 meets the requirements contained in the *Community Charter* and has updated previous provisions while also introducing new ones, as well as introduces a new schedule. The proposed Burnaby Procedure Bylaw 2024 is attached to this report as **Attachment 1**, and for comparison purposes, the Burnaby Procedure Bylaw, 2004 is included as **Attachment 2**.

**3.1 Updated Provisions**

Please see **Table 1: Updated Provisions** below for highlights of key updated provisions compared to the current Burnaby Procedure Bylaw 2004 and a brief description and reasoning for the update:

**Table 1: Updated Provisions**

Proposed Changes by section (Burnaby Procedure Bylaw 2024)	Previous Bylaw by section (Burnaby Procedure Bylaw 2004)	Reasoning
<b>s.3.5</b> - An open portion of a <b>Regular Meeting</b> will be adjourned after three (3) hours on the day scheduled for the meeting, unless a unanimous resolution to suspend the	<b>s.6.4</b> - A Regular Open Meeting must be adjourned at 10:30 p.m. on the day scheduled for the meeting, unless a resolution to proceed beyond that time is adopted.	Council may choose to change the start time of the meetings, so providing for a three hour time limit rather than specific times on a clock allow Council this flexibility without having to

<p>meeting procedure time limit is adopted by <b>Council</b></p>		<p>introduce amendments to the procedure bylaw.</p>
<p><b>s.6.5(c)</b> - Increasing the electronic participation limit of scheduled Council meetings and Public Hearings to be 5 meetings per year, and maintaining it at 25% of scheduled meetings per year for Advisory Bodies.</p>	<p><b>s.10(a)(c)</b> - Electronic participation limit of scheduled Council meetings and Public Hearings is 4 meetings per year, and scheduled Advisory Body meetings to 25% per year.</p>	<p>Allows for more electronic participation of Council members who may be away from Burnaby due to official business or due to other circumstances.</p>
<p><b>s.7.4</b> - Deadline for Agenda Submissions from public to be 12:00 Noon on the Tuesday preceding the meeting.</p> <p>(This allows for staff to have one clear day to prepare, review and publish public submissions to the agenda packages, with up to 3 days to review and prepare staff responses, if any.)</p>	<p><b>s.13.3</b> - Requires staff reports and public submissions be submitted on the Wednesday prior to the regular meeting.</p> <p>(This only provided staff one clear day to prepare, review and publish public and staff submissions to agenda packages.)</p>	<p>Staff require more than one day to receive and publish submissions to the agenda packages. Staff are publishing the public agenda Thursdays prior to the meeting dates, which was previously Fridays, which then requires the deadline for public submissions to be moved back one day.</p> <p>By separating the deadlines of staff reports and public submissions, allows Legislative Services staff adequate processing time, reducing the need for staff overtime, delayed or late reports or any agenda changes.</p>
<p><b>ss. 7.6 and 7.7</b> – Regular Council agendas are made available to Council members no later than 72 hours prior to the Regular meeting and agendas for Council meetings are made available to the public (published online) for the following meetings at the following times:</p> <p>a) Regular Meetings: by 12:00 Noon on the Thursday of the week preceding each such meeting;</p> <p>b) Advisory Body meetings: by 12:00 Noon on the Friday of the week preceding the meeting;</p> <p>c) Public Hearings: at least 10 days prior to the Public Hearing date; and</p> <p>d) Special Meetings: at least 24 hours prior to the meeting or, if notice is waived by unanimous vote of all members, as soon as practicable.</p>	<p><b>s.14</b> – The deadline to provide the agendas to Council was 72 hours before meetings and published to the public at 4:30 p.m. on Fridays preceding the next scheduled Council meeting (usually held on Mondays).</p> <p>This previous deadline did not provide for any business hours of operation for the public to contact staff or Council members regarding the reports or content published on the agenda until the day of the Regular Council meetings.</p>	<p>Providing earlier access and publishing deadlines to Council and the public of the meeting agenda packages allows for more time to review, consult and prepare for the meetings ahead. Also, by moving the time to 12:00 Noon, this provides more open business hours of operation should there be any inquiries to staff/report authors prior to the meeting date (usually on Monday for Council meetings).</p>

<p><b>s. 11.1-11.7 – Reconsideration of Previous Decision</b></p> <p>Provides clear procedures of when a reconsideration vote can be brought forward by the Mayor and Council Members.</p> <p>Also includes the reasons a reconsideration vote cannot be accepted under the following circumstances:</p> <ul style="list-style-type: none"> <li>- over 30 days have elapsed</li> <li>- the vote received assent of the electors</li> <li>- the vote was already reconsidered, or</li> <li>- the decision had been acted upon irreversibly by a City officer, employee or agent, or a third party who reasonably relied on the resolution.</li> </ul>	<p><b>s.24 – Reconsideration</b> After any question, except one of indefinite postponement, has been decided, any member may, at the next Regular Meeting held thereafter, or any Special Meeting called for the purpose, call for a reconsideration thereof, but no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.</p>	<p>Providing clear process and procedure for reconsiderations allows for good governance and confirmation of Council's decisions.</p>
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### 3.2 New Provisions

Please see **Table 2: New Provisions** below for highlights of key new provisions with a brief description and reasoning:

**Table 2: New Provisions**

Section No.	Proposed Provisions (by section)	Reasoning
<b>Definitions</b>	<p>Adding a definition of “<b>Advisory Bodies</b>” to include appointed <b>members</b> in an advisory function to <b>Council</b> including:</p> <ul style="list-style-type: none"> <li>a) a Standing Committee of <b>Council</b> appointed by the Mayor under section 141 of the <b>Community Charter</b></li> <li>b) a Select Committee of <b>Council</b> appointed by <b>Council</b> under section 142 of the <b>Community Charter</b></li> <li>c) a commission appointed by <b>Council</b> under section 143 of the <b>Community Charter</b></li> <li>d) a special task force or ad hoc group that gathers at the appointment and direction of <b>Council</b></li> </ul>	<p>Clarity and simplification of what provisions apply to what bodies without having to list each type of committee, commission or other appointed group of Council in the bylaw.</p> <p><i>Note: The Burnaby Public Library Board is not included in this definition as they have their own governance regulations and fall under the Library Act.</i></p>
<b>Definitions</b>	<p>Adding a definition of “<b>Urgent Business</b>” to mean business of a time-sensitive nature that requires consideration before the next scheduled meeting.</p>	<p>Clarifying what is urgent when exceptions to the agenda publishing process and delegations need to be made by the Corporate Officer or Mayor.</p>
<b>s. 6.1 – 6.4 Hybrid and Electronic Meetings</b>	<p>When a member participates in an in-person meeting electronically, the meeting is considered to be a hybrid meeting. Where all members participate electronically, the meeting is considered an electronic meeting.</p>	<p>Providing clear expectations for members attending an electronic meeting and those attending an in-person meeting by electronic means.</p>

	These sections set out requirements for hybrid and electronic meetings and rules for participation, including requiring that members who participate electronically to ensure no other person can see or hear a Closed meeting and the member is heard, or seen and heard, throughout a meeting.	
<b>s. 6.6 – 6.8</b> Hybrid Meetings	These sections set out rules for attendance, procedure and notification rules for attending Council and Advisory Body meetings electronically.	Providing clear procedures on how to ensure quorum is met and chair duties are not impacted when some members attend an in-person meeting electronically.
<b>s.7.2 –</b> Meeting Agendas Order of Business	To provide a predetermined order of business for regular meetings of Council, including the introduction of “Adoption of Agenda” and a “Consent Agenda.”  The proposed order of business is as follows: <ol style="list-style-type: none"> <li>1. Call to Order</li> <li>2. Land Acknowledgement</li> <li>3. Adoption of Agenda</li> <li>4. Adoption of Minutes</li> <li>5. Delegations and Presentations</li> <li>6. Administrative Reports</li> <li>7. Committee Reports</li> <li>8. Information Reports</li> <li>9. Consent Agenda Items</li> <li>10. Bylaws</li> <li>11. Correspondence</li> <li>12. Other Business</li> <li>13. Release of Closed Meeting Information</li> <li>14. Adjournment</li> </ol>	By providing an order of business that includes the “Adoption of the Agenda” Council may re-order, remove or add items to the agenda at the outset of the meeting.  Additionally, items that are on the “Consent Agenda” would be moved to the appropriate section on the agenda should Council vote to move the item during the adoption the agenda, rather than members waiting until the Consent Agenda or Other Business section of the meeting. This is best practice and provides Council, staff and the public watching the meeting advance notice if items are moved, re-ordered or altered at the outset of the meeting.
<b>s.9.15 –</b> Notice of Motions	Introducing a clear Notice of Motion process, which requires a written copy of the motion be delivered to the Mayor or Corporate Officer by 12:00 Noon on the Tuesday prior to the meeting, or if all members present at the meeting unanimously agree to waive the notice requirement.	Allows for Council members, staff and the public time to read the motion, review and consult prior to the motion being voted on by Council in a meeting. By providing the notice period of time with the Notice of Motion, greater transparency and community engagement may take place prior to the meeting where the item is voted.
<b>s.12.3 –</b> Delegation Time Limit	Introducing delegation time limit of 5 minutes, unless Council chooses to extend the time (suspend the rules of the procedure bylaw) by unanimous vote	Ensuring appropriate amount of time is allocated for the orders of business on the agenda, and as a result initiates the delegates to submit more detailed written information in advance of the meeting for inclusion on the agenda should the 5 minutes allocated for the presentation be deemed insufficient.
<b>s.13 –</b> Committee of the Whole	Allowing that Committee of the Whole meetings may be scheduled or called in advance for matters that require longer discussion and discover or for any	This allows for Council to refer matters to either pre-scheduled Committee of the Whole meetings

(Meeting schedule and Chair is Acting Mayor)	<p>matter that Council deems necessary. The agenda items for Committee of the Whole may be referred by Council to a separate, mutually agreeable date and time, rather than only being convened during a regular meeting.</p> <p>Committee of the Whole minutes are reported to Council through minutes, and the Chair of Committee of the Whole sessions shall be the Acting Mayor unless Council determines otherwise.</p>	<p>on an annual calendar or schedule a new Committee of the Whole meeting to consider matters they wish to have thorough discussion and discovery about to assist in the decision-making process of agenda items.</p> <p>Council then can approve the recommendation of the Committee of the Whole through the minutes submitted for adoption at the next scheduled Council meeting.</p>
s.14.2(a) – Public Appointments to Advisory Bodies	<p>Adding in current practices that the Mayor will provide appointment recommendations of public applicants to <b>Advisory Bodies</b> on an annual basis for consideration, to be approved by Council, by resolution.</p>	<p>The current procedure bylaw is silent to this, despite the process being the practice and expected by Council.</p>

**3.3 Schedule A – Motions and Points of Order**The new Burnaby Procedure Bylaw introduces a new Schedule A, which provides Council and the public clear guidance to interpret how meetings are being governed. Specifically, the schedule details the precedence of motions, orders of business, what motions are debatable, amendable and the type of voting required for the motion to pass. Schedule A can be found as the last two pages of the proposed bylaw included to this report as “Attachment 1: Burnaby Procedure Bylaw 2024 (Draft).”

Schedule A is organized by two types of business in two separate tables:

1. **Table 1: Motions with precedence:**  
 Motions or points are listed in established order of precedence. When any one item is pending, another that is listed below on the table may not be introduced, but one that is above it (with precedence) may be introduced.
  
2. **Table 2: Motions without precedence:**  
 Meaning the items on the table can be introduced at any time in the meeting except for when the meeting is considering motions that are usually handled or received by the Chair. Examples of motions that shall not interrupt the Chair include motions to: adjourn, recess, move into a new session, reconsider a motion or suspend the rules of debate or procedure, as the Chair handles these in accordance with Schedule A.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

The proposed bylaw increases public engagement and communication by providing the public earlier access to agendas, simplifies governance processes and captures existing practices, as well as defines terms, roles and responsibilities not described in the current Burnaby Procedure Bylaw.

Before Council can adopt the proposed Burnaby Procedure Bylaw 2024, public notice must be given in accordance with section 94.2 of the *Community Charter*. This will include posting notice on the public notice posting place and publishing notices in accordance with the Burnaby Public Notice Bylaw (notably, the City’s eNewsletter and on the City’s website, under the Public Notices page). The notice will include the purpose, summary and significant changes proposed in the new Burnaby Procedure Bylaw 2024 and be published prior to bringing forward the bylaw to Council for consideration of final adoption. The notice will identify how the public may provide feedback prior to final adoption by submitting written correspondence to Legislative Services by October 31, 2023 at 12:00 Noon.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations in relation to this report.

Respectfully submitted,

Nikki Best, Director of Legislative Services (Corporate Officer)  
For  
Juli Halliwell, General Manager Corporate Services

**ATTACHMENTS**

- Attachment 1 – Burnaby Procedure Bylaw, 2024 (Draft)
- Attachment 2 – Burnaby Procedure Bylaw, 2004 (Current)

**REPORT CONTRIBUTORS**

This report was prepared by Nikki Best, Director Legislative Services (Corporate Officer) and reviewed by May Leung, City Solicitor and Blanka Zeinabova, Sr. Manager Legislative Services.