

From: ["Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>](mailto:Sadhu.Johnston@vancouver.ca)
To: ["Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>](mailto:CCDTMACDL@vancouver.ca)
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Subject: Public hearing process

Greetings Mayor and Council,

At the May 24, 2016 Public Hearing, quorum was lost while Council was in Committee of the Whole. As a result, the meeting was ended. In a memorandum to Mayor and Council dated June 10th, the City Clerk indicated the only option available to the chair at the time quorum was lost was for the Committee of the Whole to rise and report to Council. However, this option is complicated by the fact that section 7.4 of the Procedure By-law requires an affirmative vote of 2/3 of the Council members present in the Committee of the Whole in order for the committee to rise and report, and it is unclear whether this refers to 2/3 of the members still present after a loss of quorum, or the total number of members present when there was quorum.

As a result of the procedural uncertainties that resulted from the loss of quorum at the Public Hearing, the City Clerk, in consultation Legal Services, advises that Council is not required to resolve to sit as a Committee of the Whole at future Public Hearings, and could avoid the uncertainty that this entails until staff are able to thoroughly review the Procedure By-law and recommend changes to better ensure the integrity of future Public Hearings.

Section 18.13 of the Procedure By-law requires that Council move a motion to go into Committee of Whole. The Procedure By-law does not require that such a motion be adopted by Council, nor does it require that Council sit as Committee of the Whole for a Public Hearing. Therefore, the City Clerk is advising that the Chair call for a motion to go into Committee of the Whole. This motion would need to pass with a simple majority and does not have to carry in order for a Public Hearing to continue - it would continue, just not in Committee of the Whole. If Council decides not be in Committee of the Whole during a Public Hearing, motions will require a mover and a seconder.

If Council is not in Committee of the Whole, and Council encounters a loss of quorum, the Chair can then proceed to fix the time to which to adjourn, adjourn, recess or take measures to obtain a quorum.

The City Clerk, in partnership with Legal Services, is currently reviewing the existing Procedure By-law and anticipates bringing forward a report with recommended changes later this year.

Should you have any questions, please contact Janice MacKenzie, City Clerk.

Sadhu Johnston

Sadhu Aufochs Johnston
City Manager
Sadhu.johnston@vancouver.ca
O. 604 873 7627
T. Sadhuajohnston