

**From:** "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

**To:** "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

**Date:** 8/4/2016 2:56:39 PM

**Subject:** Council Votes Requiring a Two-Thirds Majority

**Attachments:** [Memo - When Two-Thirds Votes Required.pdf](#)

Dear Mayor and Council,

Please see attached Memo from Janice Mackenzie, City Clerk, regarding Council votes requiring a two-thirds majority.

At the Regular Council meeting on July 26, 2016, Councillor Carr asked staff which Council decisions require greater than a simple majority of council members present. In response, I indicated that staff will provide a memo outlining when a two-thirds affirmative vote is required.

Please contact Janice MacKenzie if you have any additional questions.

Best  
Sadhu

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**MEMORANDUM**

August 3, 2016

**TO:** Mayor and Council

**CC:** Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Janice MacKenzie, City Clerk  
Lynda Graves, Manager, Administration Services, City Manager's Office  
Rena Kendall-Craden, Director, Communications  
Mike Magee, Chief of Staff, Mayor's Office  
Kevin Quinlan, Deputy Chief of Staff, Mayor's Office  
Katie Robb, Director, Communications, Mayor's Office  
Emma Lee, Director, Community Relations, Mayor's Office  
Francie Connell, Director, Legal Services

**FROM:** Janice MacKenzie  
City Clerk

**SUBJECT:** Council Votes Requiring a Two-Thirds Majority

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At the Regular Council meeting on July 26, 2016, Councillor Carr asked staff which Council decisions require greater than a simple majority of Council members present. In response, the City Manager indicated that staff could provide a memorandum outlining when a two-thirds affirmative vote is required.

For most matters of business, Council makes decisions by a vote by a simple majority of members present provided a quorum of Council is present. However, in a number of instances, the Vancouver Charter (the "Charter") requires a vote that is greater than a simple majority of Council members.

Basically, the Charter establishes two categories where an affirmative vote of two-thirds is required. The categories are:

- Two-thirds of all members; and
- Two-thirds of members present or two-thirds of votes cast.

The former requires an affirmative vote of at least 2/3 of all eleven members of Council. This means that eight affirmative votes are required.

The latter requires at least 2/3 of members present or votes cast. If all Council members are present, the required majority is 8 affirmative votes. However, if a bare quorum of Council members is present, an affirmative vote of 4 or more members is required. The actual required affirmative vote will depend on the number of members present.

### Two-Thirds of All Members

Several sections of the Charter require an affirmative vote of Council that is not less than two-thirds of all members. Those sections include:

- **142.1 (2) - Application to court for declaration of disqualification** If it appears that a person is disqualified under section 38(2) (i.e. Who may hold office on Council or Park Board) and is continuing to act in office, the city may make an application to the court if Council passes a resolution with an affirmative vote of at least two-thirds of all members.
- **154 - Power of Provincial Government to confer added powers in emergency** Council may pass a resolution with the required majority declaring a state of emergency exists in the city and that the powers of Council are insufficient to cope with the emergency.
- **161 - Delegation of powers** Council may delegate to any committee comprised of members of the Council; employees of the city; or members of the Council and employees of the city, any of the executive or administrative powers exercisable by the Council with the required majority.
- **173 - Council may declare emergency** If the powers conferred on Council are inadequate to deal with an emergency, Council may by bylaw passed by the required 2/3 majority, declare an emergency and exercise the powers necessary to deal effectively with the emergency,
- **190(1)(b) - Council acquisition and disposal of property** Council may dispose of real or personal property of the city by sale, conveyance, lease, or licence if Council determines that the property is not required by the city. Parcels of real property that exceed \$400,000 in value sold to any person other than Her Majesty in her right of Canada or the Province, or any agency of the Crown require the required majority.
- **191 - Power to buy and sell commodities** During the period of an actual emergency, Council can buy and sell to the public gasoline, coal, wood, oil, and other fuel, and milk, fish, meat, and other foodstuffs, and can acquire and develop the necessary real property for the purpose with the required majority.
- **202 - Expenditures prior to adoption of estimates** Prior to the estimates being adopted, Council can authorize expenditures to carry on the business of the city in excess of the amount expended in the previous year provided that Council concurs with the excess expenditure.

- **206 (1) - Council may make grants and provide assistance** Council may, with the affirmative vote of 2/3 of all members, provide money grants to:
  - Any charitable institution
  - Any animal society or association
  - The BCSPCA
  - the Archives of Vancouver
  - any society or association promoting the production of music
  - the Vancouver General Hospital or any other hospital which provides similar services
  - any organization holding a convention or meeting in the city of benefit to the city
  - any society or association organizing or taking part in any public exhibition, game, or contest involving athletic sport of benefit to the city
  - any association comprised of municipalities which the Council deems it is in the interest of the city to belong to or assist;
  - any organization deemed by the Council to be contributing to the culture, beautification, health, or welfare of the city;
  - a municipality which operates a ferry from a wharf within the city to a wharf within that municipality.
- **206 (2) - Council may make grants and provide assistance** Council may provide financial and other assistance for the conservation of property, with the required majority, as set out in this section of the Charter.
- **230 - Appointment of auditors** - If Council wishes to terminate the appointment of the auditor it can do so with a 2/3 affirmative vote of all members.
- **244 - Provision for amendment or diversion** Council may divert to some other purpose the proceeds of a bylaw passed pursuant to Section 245 of the Charter with the required majority.
- **245 - Borrowing over a period of years** If the assent of the electors is obtained to a question under this section, Council has the power to borrow money for the purposes specified in the question. During the period of years set out in the question, Council, with an affirmative vote of 2/3 of all members, can vary the projects and amounts listed so long as the aggregate is not exceeded.
- **506 - Process for initiating local improvements** Council can undertake and carry out a project by petition, on the initiative of Council, or on special grounds. To undertake a project by petition requires an affirmative vote by a simple majority of Council. However, projects undertaken on the initiative of Council or on special grounds require an affirmative vote by at least 2/3 of all members. The specifics are set out in section 506.
- **508 (r) - By-law making regulations** Council may by by-law or resolution passed by the required 2/3 majority, declare any property to be especially unjustly affected by any tax imposed against it under the Local Improvements part of the Charter and may, by that majority, reduce the tax for one or more years. The difference between the original tax and the reduced tax is to be provided out of the general funds of the city.

- **523C - Council may defer levies** Council may by a by-law passed by 2/3 of all its members, enter into an agreement with any owner of real property providing for the deferral of any levies imposed on such terms and conditions as to Council seem appropriate.
- **571A (2) Sign by-laws** Council may by resolution of 2/3 of all members order the removal of any non-conforming sign under the specific rules set out in this section of the Charter.
- **488 (1) Parks in care of Board** If the permanent public park designation is to be removed, both Council and the Park Board must do so by a 2/3 vote of all members. The specific rules are set out in the Charter.
- **488 (2) Parks in care of the Board** If a temporary public park is to be revoked, a Council resolution of at least 2/3 of all members is required. The specific rules are set out in this section of the Charter.

### Two-Thirds of Members Present or Votes Cast

The sections of the Charter that require an affirmative vote of either 2/3 of members present or 2/3 of votes cast include:

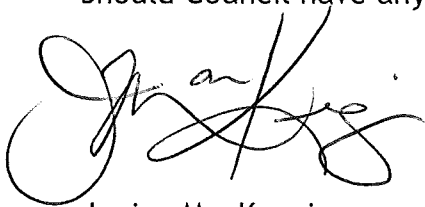
- **166 - Special vote** A vote by at least 2/3 members present is required to supersede a ruling of the presiding officer (i.e. chair) at a meeting of the Council.
- **166 - Special vote** A vote by at least 2/3 members present is required to rescind a resolution passed by the Council in its current term.
- **396A Exemptions for heritage property** For the purposes of supporting the conservation of an eligible heritage property, Council may, by by-law adopted by at least 2/3 of the votes cast, provide exemptions as set out in this section of the Charter.
- **396B - Repayment requirement in relation to heritage exemptions** If a by-law under section 396A includes provision set out in that section and the circumstances related to the provision occurs, Council may, by by-law adopted by at least 2/3 of the votes cast, either require payment or waive the obligation to pay.
- **396C - Exemptions for riparian property** For the purposes of supporting the conservation of an eligible riparian property, Council may, by by-law adopted by at least 2/3 of the votes cast, provide exemptions as set out in this section of the Charter.
- **396D - Repayment requirement in relation to riparian exemptions** If a by-law under section 396C includes provision set out in that section and the circumstances related to the provision occurs, Council may, by by-law adopted by at least 2/3 of the votes cast, either require payment or waive the obligation to pay.
- **579 - Delegation of Council authority** The Council may, by by-law adopted by at least 2/3 of the votes cast, delegate to a committee of Council members, a board under section 565A (d) or (d.1), or an officer or employee of the Council, its powers and duties under section 584 or 585.

The above represents a short summary of the sections of the Charter requiring a two-thirds affirmative vote of Council. For specific information on each section referenced above, please refer to the Charter.

In addition to the above two-thirds voting requirements, there are two sections of the Charter that require the unanimous vote of Council members present. They include:

- 203(d) - **Power of Council re businesses, trades, etc.** - To the extent that Council is authorized to regulate, license, or tax persons carrying on a business, trade, profession, or other occupation, Council, may, with the unanimous vote of Council members present, prohibit a business;
- 205 - **Freedom of the city may be bestowed** - Council by a unanimous vote of Council members present bestow freedom of the city upon a person.

Should Council have any additional questions, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Janice MacKenzie', written in a cursive style.

Janice MacKenzie  
City Clerk