

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED:	NOVEMBER 4, 2019 - REGULAR EVENING MEETING	REPORT:	19-163
FROM:	CORPORATE ADMINISTRATION DIVISION	FILE:	3900-25
SUBJECT:	TOWNSHIP OF LANGLEY COUNCIL PROCEDURE BYLAW 2016 NO. 5199 AMENDMENT BYLAW 2019 NO. 5522		

RECOMMENDATION(S):

That Council give first, second and third reading to "*Township of Langley Council Procedure Bylaw 2016 No. 5199 Amendment Bylaw 2019 No. 5522*".

EXECUTIVE SUMMARY:

Following the civic election in 2014, at the direction of Council, staff began working on an updated Council Procedure Bylaw. After three Council Priorities Committee to review a proposed bylaw, a new Council Procedure Bylaw was adopted May 30, 2016.

Council discussed amendments to the Procedure Bylaw during Council Priorities Committee meetings. To date Council has met four times for discussions. Due to the upcoming Council Priority Committee schedule, the discussion of the Council Procedure Bylaw is not expected to continue until early 2020. Because of the scheduling, Council has directed that an amending bylaw, with the amendments discussed to date, go forward. Bylaw No. 5522 is the first of two expected amendment bylaws for *Township of Langley Council Procedure Bylaw 2016 No. 5199*. The second bylaw will be prepared when the discussion concludes.

The proposed current amendments include those related to the release of items from Closed Council meetings, provisions to allow Third, or Third and Final readings on zoning and official community plan bylaws at Public Hearing Council meetings, updates to the delegation process, and general housekeeping items.

PURPOSE:

Local governments are required to have a Procedure Bylaw pursuant to the *Community Charter*, Section 124 to provide general procedures to be followed by Council and its Committees. The proposed Amendment Bylaw provides updates and improvements to the existing Procedure Bylaw and incorporates amendments identified by Council.

BACKGROUND/HISTORY:

“Township of Langley Council Procedure Bylaw 2016 No. 5199 Amendment Bylaw 2019 No. 5522” provides updates to the Council Procedure Bylaw adopted on May 30, 2016. Following Council direction, staff provided updates to the Council Procedure Bylaw for discussion during a Council Priorities Committee meeting on April 15, 2019. The meeting was adjourned and continued on June 24, July 22 and September 30, 2019.

Due to scheduling of the Council Priorities Committee topics, Council has elected to have the amendments discussed to date brought forward as the first of two amending bylaws.

DISCUSSION/ANALYSIS:

During four Council Priorities Committee meetings Council has discussed proposed amendments to *Council Procedure Bylaw 2016, No. 5199*. Many of the amendments are housekeeping in nature, but three areas provide noteworthy updates.

Section 5.12 g)

The addition of “sub-section g” allows for the automatic release of three types of Closed Council items, thereby increasing transparency of Council decisions. Appointments of members to committees and outside organizations, appointments of those receiving awards or honours, and property acquisition and disposal reports to Council will no longer require a motion to release the information. The amending bylaw provides the conditions for automatic release of the information.

Sections 6.09 and 6.10

The addition of Sections 6.09 and 6.10 provides Council the opportunity to include Third or Third and Final readings of amending zoning and official community plan bylaws during the Public Hearing. Previously without a motion to set aside the requirements of the Procedure Bylaw, Council was unable to entertain motions for Third Reading. The first opportunity for Third Reading is currently at the next Regular Evening Meeting of Council. The addition of Sections 6.09 and 6.10, enable Council members to table a motion for Third, or Third and Final Readings. Adoption of this motion would require a two-third (2/3) majority vote, and is not debatable. Should this motion be adopted, a motion for Third, or Third and Final Readings could then be made.

Sections 13.02 and 13.04

Amendments to Sections 13.01, 13.02 and 13.04 provide further definitions and instructions to staff on the acceptance and scheduling of Delegations to Council. Included are direction on subjects that will be permitted as delegation topics, as well as the allowable number of delegations an individual or group may have per annual quarter. These changes are meant to provide guidance to applicants and staff, and provide equal opportunities to be heard by Council to all residents and stakeholders. Further, although Council has always had the ability to allow or deny delegation requests, the proposed amendment bylaw also provides a formal process for these actions.

It is expected that this is the first of two amending bylaws to update the current *“Council Procedure Bylaw 2016 No. 5199”*. This first amendment includes amendments directed by Council during the Council Priorities Committee discussions on April 15, June 24, July 22, and October 7, 2019. Upon conclusion of Council's discussions of the bylaw, staff will provide an additional amendment bylaw for Council's review.

TOWNSHIP OF LANGLEY COUNCIL PROCEDURE BYLAW 2016
NO. 5199 AMENDMENT BYLAW 2019 NO. 5522
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Legislation:

Community Charter, S.B.C. 2003, c.23

Respectfully submitted,

Wendy Bauer
TOWNSHIP CLERK
for
COPRPORATE ADMINISTRATION

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COUNCIL PROCEDURE BYLAW 2016 NO. 5199

AMENDMENT BYLAW 2019 NO. 5522

EXPLANATORY NOTE

Bylaw 2019 No. 5522 amends Council Procedure Bylaw 2016 No. 5199. The bylaw incorporates amendments to:

- Provide for the automatic release of specified items from Closed Council meetings;
- Permit Third, or Third and Final readings during a Public Hearing Council meeting;
- the Delegation process; and
- Housekeeping items.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COUNCIL PROCEDURE BYLAW 2016 NO. 5199

AMENDMENT BYLAW 2019 NO. 5522

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Council Procedure Bylaw 2016 No. 5199 Amendment Bylaw 2019 No. 5522”.

2. The “Council Procedure Bylaw 2016 No. 5199” is amended:

(a) Part 2 – Section 2.01

Add the following definition:

“Unintentional” means not intentional or deliberate.

(b) Part 4 – Section 4.01

Delete the following words after the words “following the election”:

“in the calendar year in which the election was conducted”

(c) Part 5 – Section 5.01

Add the following third paragraph:

“Special Closed Council meetings may be scheduled to occur within Regular Afternoon or Regular Evening Council meetings.”

(d) Part 5 – Section 5.05

Add the following words after the words “weekly in the Township”:

“and posted in the Public Notice Posting Place”.

(e) Part 5 – Section 5.09

Replace the time “6:30pm” with:

“6:00pm”

(f) Part 5 – Section 5.12

Add the following sub-section “g)”

- g) The following items occurring at Closed Council meetings are considered released by Council with the provisions described below:
- The names of appointed individuals and Council members that have been selected for Township of Langley committees and outside organizations upon notification of the individuals.
 - The names of individuals that are receiving awards or honours bestowed by the Township of Langley upon notification of the individual or family.
 - Property Acquisition and Disposal Reports to Council sixty (60) business days after the conclusion of the transaction, subject to the *Freedom of Information and Protection of Privacy Act*.

(g) Part 5 – Section 5.17

Add the following words between the words “in support of transparency” and “the following provisions apply”:

“and Community Charter requirements,”

(h) Part 5 – Section 5.18

Add the following Section 5.18:

“5.18 Council may have a five (5) minute break after two (2) consecutive hours of a Council meeting.”

(i) Part 6 – Section 6.02:

Add the following words between the words “With the exception of the headings Mayor” and “Report”:

“and Council”

(j) Part 6 – Sections 6.09 and 6.10

Add the following Sections, 6.09 and 6.10:

6.09 Council Motions for Third Reading, or Third Reading and Final Adoption, may be, by two-thirds (2/3) majority vote of Council, and without debate, considered at the same meeting in which the Public Hearing for the bylaw(s) has concluded upon confirmation from the Township Clerk/Deputy Township Clerk that no further written submissions have been received for Council’s consideration.

6.10 A Clerk’s Note that advises Council may consider Third Reading or Third Reading and Final Adoption will appear on the agenda with each Public Hearing item.

(k) Part 9 – Section 9.08

Replace the words “ten (10)” with:

“five (5)”

(l) Part 11 – Section 11.08

Add the following Section 11.08:

11.08 A motion to censure any member of Council requires an affirmative vote of two-thirds (2/3).

(m) Part 13 – Section 13.01

Replace Section 13.01 with the following:

- “13.01(a) A citizen or group may submit an application to speak at a Council Meeting as a public delegation, and such person or group may request that a related document, petition or proposal be placed before Council, by submitting a completed application form to the Township Clerk/Deputy Township Clerk by noon (12:00pm) of the fifth (5th) day preceding the meeting at which they wish to be heard. Applications received after the deadline regarding items not on the meeting agenda will be forwarded to the next scheduled meeting.
- 13.01(b) For On-Agenda items only, late applications to speak as a delegation can be submitted to the Township Clerk/Deputy Township Clerk by 10:00am of the day of the Regular meeting. Applications received after the 10:00am deadline will not be added to the agenda and will be forwarded to the next scheduled meeting.
- 13.01(c) Delegation requests received after the deadline and not the subject of an item on the meeting agenda maybe deemed urgent at the discretion of the Township Clerk/Deputy Township Clerk. The request may be forwarded to Council at the next scheduled meeting for approval. In recognition of the scope of business that requires Council's attention, and in the interests of transparency for all residents and stakeholders, an affirmative vote of two thirds (2/3) is required to add the speaker to an agenda.”

(n) Part 13 – Section 13.02

Replace Section 13.02 with the following:

- “13.02 Delegation Applications will not be scheduled and Delegations will not be heard that address the following:
- a) a bylaw in respect of which a public hearing has been or will be held where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw,

- i. applicants submitting delegation requests prior to the bylaw's public hearing will be advised that Council will accept a written submission.
- b) an issue which is before the courts or on which Council has authorized legal action;
- c) a matter in respect of which a Township-led public consultation process is planned or is in progress;
- d) the promotion of commercial projects or services;
- e) the promotion of a political party or of a candidate for elected office;
- f) publicly tendered contracts or proposals calls for the provision of goods and services for the Township, 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 Council or Township staff;
- g) a purpose or subject that is beyond the jurisdiction of Council;
- h) a purpose or subject that Council reasonably determines is not in the public interest of the community;
- i) any matter on which the delegate has already spoken to Council and where no new significant information is provided; and
- j) individuals or organizations that have previously appeared during the annual quarter (January thru March, April thru June, July thru September, and October thru December), unless the individual or organization is statutorily authorized to be heard by Council, or required by law to be heard by Council."

(o) Part 13 – Section 13.04

Replace Section 13.04 with the following:

"13.04(a) It is the Township Clerk/Deputy Township Clerk's duty to review, prioritize delegation requests and schedule them, subject to the provisions of this bylaw.

13.04(b) A Delegation can appeal the decision of a Delegation Request by the Township Clerk/Deputy Township Clerk by providing a written request to Council that will be forwarded to Council at the next possible Council meeting. In the interests of transparency for all residents and stakeholders, an affirmative vote of two-thirds (2/3) is required to add the speaker to an agenda.

13.04(c) Council may choose to deny a scheduled delegation by a majority vote. The motion may occur during the Agenda Approval motion of the next scheduled Council meeting or at the same meeting the delegation is scheduled to appear.”

(p) Part 13 – Section 13.05 – subsection b)

Delete Section 13.05 b)

(q) Appendix A – Inaugural Meeting of Council

Delete the following:

“Invocation”

Add the following:

“First Nation and Community Welcome”

(r) Appendix A – Regular Council Afternoon

Delete the following:

“Approval of Delegation Requests”; and

“Information Items from Special Closed Meetings”

Add the following:

“Association and Other Government Agencies”; and

“Items from Prior Meetings”

(s) Appendix A – Regular Council Meeting Evening

Add the following:

“Items from Prior Meetings”; and

“Items Having Prior Notice of Motion”

Amend “Mayor’s Report” to

“Mayor and Council Report”

(t) Appendix A – Special Closed Council

Delete the following:

“Approval of Closed Council Meeting Agenda”

(u) Appendix B

Replace paragraph 5 with:

“Council members should not express their views nor debate the bylaws, but may question speakers to clarify particular points in the submissions. Council may consider Third Reading, or Third Reading and Final Adoption, at this meeting or at its next Regular Meeting to be held:

**Monday, (DATE),
at 7:00pm
at the Fraser River Presentation Theatre
4th Floor, 20338 – 65 Avenue, Langley, BC”**

NOTICE GIVEN THE 24, and 25 day of October 2019.
SECOND NOTICE GIVEN THE 31 day of October, and THE 1 day of November 2019.

READ A FIRST TIME the	day of	, 2019
READ A SECOND TIME the	day of	, 2019
READ A THIRD TIME the	day of	, 2019
ADOPTED the	day of	, 2019

_____ Mayor _____ Township Clerk