

Legal opinion needed re: Mayor's vote - March 1, 1889

Council requests a legal opinion on whether the Mayor, an ex-officio member of every civic Committee, has the right to vote in each Committee

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[volume 2 page 712]

Vancouver March 1st 1889

The Council met on Friday March 1st 1889 at 2:30 P. M.

Present His Worship the Mayor and all of the Aldermen.

Moved by Alderman Horne seconded by Alderman Whetham. That the following be submitted to A. N. Richards, Q. C. Victoria for his legal opinion of same:-

“Whereas a question of Law having arisen in our Council proceedings as to whether the Mayor, who is an ex-officio member of all standing committees has a legal right to vote in the Standing Committees or not.

Our Procedure Act, Clause 67, provides that the Standing Committees shall consist of one member of the Council from each Ward of the City to be elected by the Council and that the Mayor shall be ex-officio, a member of all Committees.

Section 69 provides that the Members of each Committee shall meet and elect from amongst themselves, a Chairman.

At the first meeting of our Committee all the members were present, a motion to elect a Chairman was made 3 voted in favour and 2 against it, the Mayor claimed a vote against this making a dead lock.

There appears to be no provision

[volume 2 page 713]

for such case in our procedure act; Section 26 enacts that the law of Parliament shall be followed.

At the next regular meeting of the Council a motion was made without any previous notice of motion that the member whom the Mayor claimed to vote for in Committee be elected the Chairman of such Committee, the Council voted on same 5 to 5, the Mayor giving a casting vote in favor.

Afterwards a meeting was called by both Chairmen, the Mayor not being present.

The first act of the Committee was to elect a Chairman, this being their first meeting and they claimed the action of the Council was altogether out of order.

The Chairman elected by the Committee presided during that meeting.

At the next meeting of the Council both Chairmen brought in a report of the Committee's proceedings, the one elected by the Council leaving out of his report the election of a Chairman by the Committee; the other Chairman who was elected by the Committee produced a full report of the meeting.

The Council adopted the report of the Chairman they claimed to have elected by the Mayor's casting vote, rejecting the report of the Committee's Chairman.

[volume 2 page 714]

1. Can an ex-officio member vote in electing the Chairman of a Standing Committee?
2. Can an ex-officio member vote on any motion before a Standing Committee after the Chairman is elected?
3. In case of a dead lock by the ex-officios voting in Committee, has the Council the right to interfere without any notice of motion and elect a Chairman for a Committee?

That the City Clerk be instructed to give minutes of Council and Committee on the point in dispute without comment and send a copy of the Charter and Procedure By-Law to Mr. Richards with a copy of letter to C. E. Pooley.

Carried.

The Council then adjourned.

D. Oppenheimer, Mayor

Thos. F. McGuigan, City Clerk