

Report

Date December 19, 2023
Subject Council Procedure Bylaw Workshop

File:

PURPOSE

To review the results from the Council Procedure Bylaw Questionnaire and discuss the changes to be made to the new bylaw. A staff presentation will be provided at the meeting.

BACKGROUND

An update of the Council Procedure Bylaw was included as a project deliverable in the Legislative Services' 2023 Business Plan. Due to the scope and complexity of this project, it has been broken down into 12 steps:

- (1) **Review Best Practices**. The best practices and legislative requirements identified in the Ministry of Municipal Affairs and Local Government Management Association's [Procedure Bylaw Guide](#) were reviewed before beginning this project so that clear processes are established in the new bylaw to help address challenging situations and support positive interactions between Council, staff and the public.
- (2) **Procedure Bylaw Comparison with other Local Governments**. Staff reviewed other local governments' procedure bylaws for common practices within the Cowichan Valley Regional District (CVRD), on Vancouver Island with populations greater than 10,000, and comparable-sized municipalities with populations between 25,000 and 75,000.
- (3) **Analysis of Common and Best Practices**. Staff completed an analysis of the procedures established in other local governments' bylaws (see Step 2) and identified the best practices for establishing the applicable procedure/rule (Attachment 1).
- (4) **Survey Council**. Staff prepared a survey based upon the analysis under Step (3), which was emailed to Council on August 29, 2023 (Attachment 2). Council members were asked to submit completed surveys by September 11, 2023. The deadline was extended to allow Council members more time to complete the survey. A total of six surveys were submitted by October 6, 2023, on which staff based their analysis (Attachment 3).
- (5) **Council Procedure Bylaw Workshop (current step)**. Staff will present the survey results under Step (4) to Council on December 19, 2023.
- (6) **Draft New Bylaw**. Staff shall draft a new procedure bylaw based on the survey responses under Step (4) and the responses to the poll questions under Step (5). Where a clear majority (at least four members of Council) has supported the change, the new rule shall apply. Where there is no majority on one of the options in the poll questions, the existing rule shall be used in the new bylaw or not added at all if the question is in relation to adding a new rule. Staff will also be adding some administrative rules in accordance with the best practice guidelines reviewed under Step (1) and moving some of the rules from various policies into the new bylaw.

- (7) **Present Draft Council Procedure Bylaw for Feedback.** The new bylaw, once drafted, will be presented to the Committee of the Whole for feedback and direction for any revisions before being presented to Council for first three readings.
- (8) **Present Council Procedure Bylaw for First Three Readings.** Once all the revisions requested by the Committee of the Whole have been made, staff will bring the bylaw forward to Council for first three readings.
- (9) **Public Notice.** In accordance with Section 124(3) of the *Community Charter*, public notice will be given per Public Notice Bylaw No. 3906, 2023.
- (10) **Adopt Council Procedure Bylaw.** After notice has been given, the bylaw will be brought forward to Council for consideration of adoption.
- (11) **Update Related Policies.** Once the new bylaw is adopted, staff will update the Public Input and Meeting Conduct, Consent Agenda, Notice of Motion, Council Advisory Bodies, External Appointments, and Public Hearings policies, where applicable, to align with the new bylaw.
- (12) **Draft New Policies.** Staff will be drafting four new policies in relation to agendas and minutes, delegations and invited speakers, petitions, and electronic meeting participation.

DISCUSSION

Procedure bylaws include rules for how meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements, are handled.

The following items are legislatively required (section 124 of the *Community Charter*) to be included in a procedure bylaw, while others are a Council choice and based on best or common practice.

- Rules of procedure for Council and committee meetings
- How bylaws are adopted and how resolutions are passed
- Provide for the taking and certifying of minutes at Council and committee meetings
- Provide for advance public notice of the date, time and, if applicable, the place of Council and committee meetings
- Identify places as the public notice posting places
- Procedure for designating a Council member as the Acting Mayor when the Mayor is absent
- Establish the method for the members present to choose the presiding member if the Mayor and designate are absent
- Set the first Council meeting date (inaugural) after a general election
- Establish when regular meetings are held

Procedure bylaws set the stage for how Council members, staff and the public interact with each other at meetings. A best practice in British Columbia is to include a cross-reference to a policy in the procedure bylaw to connect the policy, which provides further details to the procedures set out in the bylaw, to increase transparency and understanding.

Currently, some meeting procedures have been established in a policy rather than the Council Procedure Bylaw that will need to be fixed in the new bylaw.

For example, the limit of five speakers, allotted a maximum of three minutes each, during Public Input was established in the Public Input and Meeting Conduct Policy when it should be in the procedure bylaw. The specifics on how to register to speak in advance, having to state their name and address, are the “details” that belong in a policy, not a bylaw.

Where there is a conflict between a provision in a bylaw and what is in a policy, the provision in the bylaw shall apply.

For example, section 50 in Council Procedure Bylaw No. 3602 (Attachment 4) states that “Council members who are not members of a committee or commission may attend the meetings of the committee or commission to observe its deliberations” and 6.8 of the Council Advisory Body Policy permits a non-committee Council member to participate in a discussion at a committee meeting where they have been given permission from a majority of all committee members. The revision to the procedure bylaw or the policy will depend on the direction received from Council when polled at the meeting.

In preparation for the workshop, staff have attached the following documents for Council members’ review:

- (1) **Council Procedure Bylaw Best Practices & Analysis** report (Attachment 1) for a better understanding of the best practices for each of the elements in the procedure bylaw, current procedures, and graphs depicting the common practices within the CVRD on Vancouver Island, and within comparably sized municipalities.
- (2) **Council Procedure Bylaw Questionnaire Responses & Recommendations** report (Attachment 3) for summaries of survey results and recommendations by staff.
 - Where there was a *clear majority* for changes or establishing a new procedure, that procedure shall be considered as being endorsed by Council and shall be included in the new bylaw – a question shall not be put to Council during the Workshop.
 - Where a majority has *not been achieved*, or where *staff is recommending an alternative course of action*, Council will be polled to see if a majority of Council will agree with the change otherwise the existing procedure under the current bylaw (Attachment 4) shall remain in the new bylaw (i.e., keep the status quo).

In addition to the procedures identified by Council to be added or changed, staff will include some additional administrative procedures consistent with best and common practice in the bylaw for transparency and consistency.

RECOMMENDATION

This report is provided for information only as the results from the survey and the poll taken during the Workshop shall inform staff on what direction to take while drafting the new procedure bylaw.

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Approved to be forwarded to Council:



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Attachments:

- (1) Council Procedure Bylaw Best Practices & Analysis
- (2) Council Procedure Bylaw Questionnaire
- (3) Council Procedure Bylaw Questionnaire Responses & Recommendations
- (4) Council Procedure Bylaw No. 3602, 2015