

Council Procedure Bylaw Questionnaire

One of the best practices identified in the [Procedure Bylaw Guide](#), which was developed in collaboration between the Ministry of Municipal Affairs and an advisory group from the Local Government Management Association, when considering changes to the procedure bylaw is for Council and staff to work together to discuss ways to improve the existing bylaw, such as connecting existing policies that are related to the responsibilities of Council or committee members (e.g., social media policies and codes of conduct) into the procedure bylaw.

Procedure bylaws set the stage for how Council members, staff and the public interact with each other at meetings. Within procedure bylaws there is an opportunity to incorporate Council's four foundational principles of responsible conduct, as established under the [Standards of Conduct Policy](#), to help guide Council interactions and decision-making. The foundational principles are: (1) Integrity, (2) Accountability, (3) Respect, and (4) Leadership and Collaboration.

Review Process

This review is being conducted in 6-steps:

- (1) A review of the procedural rules contained within the bylaws of 29 local governments (including North Cowichan) within the CVRD, on Vancouver Island, and those with populations comparable to North Cowichan. A copy of the Council Procedure Bylaw Best Practices & Analysis which provides additional background and statistical information is available upon request.
- (2) Survey Council for potential changes to [Council Procedure Bylaw No. 3602](#).**
- (3) Compile the data received from Council. Deadline to submit survey responses is 4:00 pm on Monday, September 11, 2023.
- (4) Schedule a Committee of the Whole workshop in early October to present the survey data for feedback and direction for any changes, prior to drafting the bylaw.
- (5) The new bylaw, based on the direction received, would then be presented for first three readings and adoption before the end of the year. Public notice, as required under the *Community Charter*, shall be given prior to adoption, in accordance with [Public Notice Bylaw No. 3906](#) to help educate the public on the importance of a procedure bylaw.

Questionnaire

This questionnaire, which is step 2 in the above process, is intended to solicit feedback from Council on where they would like to see some changes made to [Council Procedure Bylaw No. 3602](#). That research conducted in step 1 has informed many of the options provided in the questions in this survey.

The Council Procedure Bylaw Best Practices & Analysis document provides information on other rules under [Council Procedure Bylaw No. 3602](#) which a question has not been posed in this survey, such as using Robert's Rules of Order or the meeting date for regular Council meetings, which staff has made assumptions that Council would not wish to change, there is an open-ended question at the end of this survey where Council is asked if there are any other changes they would like to make to the bylaw, where Council can include changes to these areas as well. **The most common practices have been identified in the survey with:**

- ¹ for within the CVRD
- ² for the comparable sized municipalities
- ³ for Vancouver Island local governments

If you have any questions, please do not hesitate to contact the Corporate Officer, Michelle Martineau, at 250.252.5036 or michelle.martineau@northcowichan.ca.

1. ACTING MAYOR

1.1 The current bylaw has established a rotating basis for designating the Acting Mayor which is consistent with the majority of local governments surveyed. Does Council wish to change how the Acting Mayor is appointed?

(please select one option)

- ☐ ^{2,3} No, keep the Rotating Basis so that all Councillors serve a term as Acting Mayor
- ☐ ¹ Change appointment of Councillor to serve as Acting Mayor made by Council on an annual basis
- ☐ Change appointment of Councillor to serve as Acting Mayor made by Council for the entire term
- ☐ Change to permit the Mayor to designate a Councillor to serve as Acting Mayor
- ☐ Suggest some other process _____

1.2 When both the Mayor and Acting Mayor are absent, the current process is for the remaining members to choose someone to preside. Does Council wish to change how the Presiding Member is selected?

(please select one option)

- ☐ ² Choose member from amongst members present
- ☐ ¹ Change to next member appointed on the schedule
- ☐ Change to previous member appointed on the schedule
- ☐ Suggest some other process to appoint the presiding member _____

2. COUNCIL MEETING DATES AND TIME

2.1 Currently regular Council meetings start at 5pm. When considering the start time, take into account how it may impact your ability to complete in-camera business before the returning to open and completing open business prior to the start time for the Public Hearing. Does Council wish to amend the regular Council meeting start time?

(please select one option)

- ☐ No, keep at 5:00 PM
- ☐ ^{1,2} Change to 6:00 PM
- ☐ ³ Change to 7:00 PM
- ☐ Suggest some other start time _____

2.2 Currently the motion to extend the meeting requires a 2/3 vote of members present to extend the meeting beyond 8:00pm. Does Council wish to change the vote requirement to extend the meeting?

(please select one option)

- ☐ No, keep at a 2/3 vote requirement
- ☐ ³ Change to a majority vote
- ☐ Change to a unanimous vote of members present
- ☐ Eliminate time limit altogether

3. CLOSED MEETINGS

3.1 The current start time for closed sessions during regular Council meetings is 4:00pm. Given that closed sessions generally last longer than an hour, does Council wish to change start time for closed sessions?

(please select one option)

- ☐ No, keep to 4:00 pm start time
- ☐ Change to 3:00 pm start time
- ☐ ^{2, 3} Move to the end of the meeting after all open items have been dealt with
- ☐ Schedule as a special meeting when closed sessions are required
- ☐ Suggest some other start time _____

3.2 Currently there is no formal process to release in-camera (closed) decisions during a public (open) meeting, other than to place the in-camera resolution in the open minutes that are adopted by Council. Given that over 30% of the local governments surveyed include an opportunity in their agendas to release their resolutions from closed, would Council like to establish a similar process for releasing closed decisions?

(please select one option)

- ☐ ¹ No, continue with the current process
 - ☐ Add new agenda heading "Resolutions Released from Closed Session" to the order of business
 - ☐ Suggest some other process to release in-camera decisions to the public _____
- _____
- _____

4. CANCELLING A REGULAR MEETING

4.1 Currently the first meetings in January, July and August are cancelled each year, but the Council Procedure Bylaw is silent where there are conflicts with FCM or UBCM¹. Where a regular meeting has been cancelled, a special meeting can always be called if there is time sensitive matters, Does Council wish to change which regular meetings are automatically cancelled?

(select as many as you would like included in the bylaw)

- ☐ No, keep to one meeting in January, July, August
 - ☐ Do not cancel any regular Council meetings
 - ☐ Cancel regular Council or COW meetings during the same week of FCM
 - ☐ Cancel regular Council or COW meetings during the same week of UBCM
 - ☐ ^{1, 2, 3} Cancel the first regular Council meeting in January
 - ☐ Cancel the first regular Council meeting in July
 - ☐ ^{1, 2, 3} Cancel the first regular Council meeting in August
 - ☐ Cancel regular Council or COW meetings during the two weeks prior to a general local election
 - ☐ Cancel regular Council or COW meetings that occur on provincial and federal general voting days
 - ☐ Suggest some other meeting dates to cancel _____
- _____
- _____

¹ AVICC is usually a weekend convention (Friday to Sunday), so it has not been included as there would be no conflict with a regular Council meeting.

4.2 A motion to cancel a meeting currently requires a 2/3 vote of members present for the motion to pass. Given that the general practice of the majority of local governments surveyed requires only a majority vote, does Council wish to change how many votes are required to cancel a regular Council meeting?

(please select one option)

- ☐ No, keep to resolution by 2/3 vote of Council
 - ☐ ^{1, 2, 3} Change to resolution by majority vote of Council
 - ☐ Suggest some other process to extend the meeting _____
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4.3 Currently when a meeting needs to be cancelled, due to there being no business to be added to the agenda or knowing in advance that quorum will not be achieved, the only option is for the Mayor to postpone the meeting. Given that this has occurred in the past, does Council wish to provide the Mayor authority to cancel regular meetings in certain circumstances?

(select as many as you would like included in the bylaw)

- ☐ ^{1, 2, 3} Resolution of Council to cancel a regular meeting
 - ☐ Authorize the Mayor to cancel a regular meeting (with no conditions)
 - ☐ Authorize the Mayor to cancel a regular meeting where quorum will not be met
 - ☐ Authorize the Mayor to cancel a regular meeting where there is no business to add to an agenda, in consultation with the CAO or Corporate Officer
 - ☐ Suggest some other condition where the Mayor or some other employee could cancel a meeting _____
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5. QUORUM

5.1 Currently Council must wait 30 minutes before adjourning a meeting where there is no quorum. The common practice is 15 minutes. Does Council wish to change how long they must wait before adjourning a meeting when quorum is not reached?

(please select one option)

- ☐ No, keep at 30 minutes
- ☐ ^{1, 2, 3} Reduce to 15 minutes
- ☐ Suggest some other time limit _____

6. PUBLIC PARTICIPATION (PRESENTATIONS, DELEGATIONS, PETITIONS, PUBLIC INPUT)

6.1 Currently Council provides 2 opportunities for general input from the public during Public Input and Question Period. Given that less than 25% of all local governments provide 2 opportunities does Council wish to change this?

(please select one option)

- ☐ Don't change, keep both the Public Input and Question Period
- ☐ ³ Provide one opportunity at the beginning of the meeting for public comments and questions
- ☐ ² Provide one opportunity at the end of the meeting for public comments and questions

6.2 Currently delegations are provided with 10 minutes to address Council, which is consistent with all other local governments within the CVRD, however, on Vancouver Island and comparable sized municipalities, it is split between 5 and 10 minutes. Does Council wish to change how long delegations can speak?

(please select one option)

- ☐ ^{1, 3} No, keep to 10 minutes
- ☐ Suggest some other time limit _____

6.3 The current process for adding a delegation to an agenda is to forward it to the Mayor for approval. Approximately 80% of local governments surveyed have established the conditions under which the Corporate Officer may approve or reject an application to be a delegation. Does Council wish to change how delegations and petitions are approved to be added to the agenda?

(please select one option)

- ☐ Don't change, continue with the Mayor approving all delegations
 - ☐ ^{1, 2, 3} Change to Corporate Officer and include conditions for accepting and rejecting applications
 - ☐ Suggest some other process _____
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6.4 Currently the only condition where a delegation application would be rejected is in regard to a bylaw for which a public hearing has been held but has not yet been adopted. However, several local governments have included additional reasons, as listed below. Would Council like to include any of these reasons for rejecting a delegation request in the new bylaw?

(please select all that you would like included in the bylaw)

- ☐ Matters that do not fall within the jurisdiction of North Cowichan
- ☐ Personnel and labour relation matters, including a grievance under a collective agreement
- ☐ An issue which is before the courts or on which Council has authorized legal action
- ☐ An issue that is the subject of a staff report not yet presented at a Council meeting
- ☐ Information considered in closed meetings, unless the information has been released by Council
- ☐ Where the property owner has obtained a development variance or temporary use permit, except where Council is considering the issuance of such a permit at the same meeting
- ☐ A statutory reconsideration or appeal of a decision pertaining to an application, permit or licence that has not been considered by Council (i.e., where Council has delegated the approval authority to staff and staff have rejected the application, cancelled or suspended the licence or permit)
- ☐ A request for access to information under the *Freedom of Information and Protection of Privacy Act*
- ☐ In relation to a record that is held in confidence, unless that record has been lawfully released to the public
- ☐ Publicly tendered contracts or proposals that have not yet been awarded by Council
- ☐ Promotion of applicant's business or solicitation of goods or service for financial gain
- ☐ The subject matter or actions of the applicant does not comply with the Standard of Conduct Policy
- ☐ Election campaign or election related matters, including nominated political candidates or the promotion of a political party/candidate for elected office
- ☐ The applicant has addressed Council on the same topic within the previous year, in the absence of substantial new information

- ☐ The applicant has addressed Council on the same matter within the previous 6 months, in the event that substantial new information becoming available regarding the topic
- ☐ Suggest some other restriction for delegations _____
- _____
- _____
- _____

6.5 Currently the Council Procedure Bylaw only references petitions where they are received in relation to a Public Hearing but is silent where a petition is received in accordance with section 82 of the *Community Charter*² or to bring attention to matters of interest in the community. Does Council wish to establish any rules for petitions to be included in a Council agenda?

(please select all that you would like included in the bylaw)

- ☐ No
- ☐ A petition must be legibly written, typed or printed, dated, must not be libelous, obscene, impertinent or improper, and must include the name and address for each person who has signed the petition. In the case of a society or corporation signing a petition, the authority given by the society or corporation to sign the petition shall also be produced.
- ☐ The action (i.e., resolution by Council) requested and all pertinent information must be included on the top of each page of the petition
- ☐ A request to present a petition to Council or the Committee of the Whole must be submitted to the Corporate Officer in writing at least 7 working days prior to the day of the meeting
- ☐ All materials to be presented must be received by the Corporate Officer at least 4 working days prior to the day of the meeting (e.g., handouts or PPT presentations)
- ☐ Petitions form part of the public record and the names and addresses of the petitioners are considered germane to the topic and will be published on the website as part of the agenda package
- ☐ The Corporate Officer may refer a petition which relates to a matter that falls within the scope of responsibility of a particular department directly to that department
- ☐ The Corporate Officer will notify the petitioner and Council where a matter has been referred
- ☐ The Corporate Officer may refuse to place a petition or delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council, unless they are requesting that Council advocate to the provincial or federal government on their behalf.
- ☐ A petitioner may appeal a referral or refusal to the Mayor
- ☐ The Mayor, in consultation with the CAO, shall make the final determination of an appeal
- ☐ A person or group shall be limited to 5 minutes to present their petition to Council
- ☐ A person or group shall be limited to 10 minutes to present their petition to Council
- ☐ Suggest some other rule _____

² This would include formal petitions to establish a local area service or informal petitions from residents wishing to bring Council's attention to matters of interest in the community. Section 82 of the *Community Charter* requires that the petition be filed with the Corporate Officer and the petition include the full name and address of each petitioner.

6.6 Currently there is no limit to how many delegations can address Council at the same meeting.

The limitation ranges between 1 and 4 for those local governments surveyed who have established a limit, with 2 being the most common within the CVRD and on Vancouver Island, and 4 within comparable sized local governments. Staff suggest that delegations and petitioners be placed within the same category on the agenda ([Petitions and Delegations](#)), therefore, **would Council like to establish a limit for the number of delegations and petitions presented at a single meeting?**

(please select one option)

- ☐ No, keep unlimited
- ☐ ^{1, 3} Permit up to 2 delegations or petitioners at a single meeting, unless an additional delegation or petitioner is approved by the Mayor
- ☐ Permit up to 3 delegations or petitioners at a single meeting, unless an additional delegation or petitioner is approved by the Mayor
- ☐ ² Permit up to 4 delegations or petitioners at a single meeting, unless an additional delegation or petitioner is approved by the Mayor
- ☐ Suggest some other limit for the number of delegations or petitioners _____

6.7 In addition to the rules suggested above, does Council wish to establish any of the following rules that would apply for both delegations and petitioners?

(please select all that you would like included in the bylaw)

- ☐ Council will not act on a request from a delegation or a petitioner at a Council meeting until the next regular Council meeting
- ☐ Petition presentations will be placed first under the '[Petitions and Delegation](#)' section of the agenda
- ☐ Council may refer request from petitioners or delegation to staff for preparation of a staff report for inclusion on a future meeting agenda
- ☐ Council may refer request from a petitioner or a delegation to a committee, board, or commission with an accompanying staff report
- ☐ The Corporate Officer may schedule petitions or delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation or petition
- ☐ Where a written application or request has not been submitted (i.e., is not on the agenda), the petitioner or delegation may address Council if approved by a 2/3 vote of the members present
- ☐ Where a petitioner or delegation has been added to the agenda by a 2/3 vote of Council, the petitioner or delegation shall be limited to 5 minutes³
- ☐ Multiple delegations from the same organization or group, regarding the same topic at the same meeting will be combined⁴
- ☐ Where a delegation speaks disrespectfully, refuses to abide by the rules, fails to adhere to time limits or disregards the authority of the Mayor, the Mayor will take action to cease the behaviour to stop the delegation's presentation⁵
- ☐ Delegations from any individual or organization are limited to one delegation every six months, regardless of topic
- ☐ Delegations and Petitioners will be accommodated by means of electronic participation

³ This is intended to encourage applicants to apply in advance so that Council knows in advance what they wish to speak to and helps to manage the number of delegations, petitioners and invited speakers at a single meeting

⁴ This is intended to prevent a group from manipulating the time limit and potentially hijacking the meeting. Delegations would still have the ability to ask Council for more time (as they currently can do), which requires a unanimous vote of members present. This is the current practice.

⁵ This is consistent the best practices in BC to include how disrespectful conduct will be managed.

- ☐ Suggest some other rule _____
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6.8 The Council Procedure Bylaw has not established a separate time limit for invited speakers (e.g., consultants hired by North Cowichan, CVRD or RCMP staff). Generally, these speakers require longer than 10 minutes to present their analysis or draft plans for Council feedback. If Council wishes to create a separate category (Presentations) for invited speakers, what should those rules be?

(please select all that you would like included in the bylaw)

- ☐ Keep the time limit the same as delegations (i.e., 10 minutes)
- ☐ Set time limit to 20 minutes
- ☐ Set time limit to 30 minutes
- ☐ Suggest some other time limit for how long the presenter may speak _____
- ☐ Permit 1 presentation at a single meeting
- ☐ Permit up to 2 presentations at a single meeting
- ☐ Permit up to 3 presentations at a single meeting
- ☐ Suggest some other limit for the number of presentations at a single meeting _____
- ☐ Invited speakers will be placed under the 'Presentations' section of the agenda⁶
- ☐ All materials to be presented must be received by the Corporate Officer at least 4 working days (i.e., Thursday) prior to the day of the meeting (e.g., reports, plans, PPT presentations, etc.)⁷
- ☐ Suggest some other rule _____
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7. PUBLIC HEARINGS AND STATUTORY HEARINGS & RECONSIDERATION

7.1 Currently public hearings are scheduled to be conducted on the 3rd Wednesday of the Month at 7:00pm, following the regular Council meeting. Given that public hearings generally last less than 25 minutes, does Council wish to change when public hearings are conducted?

(please select one option)

- ☐ ¹ Keep as separate meeting on 3rd Wednesday at 7:00pm
- ☐ ^{2, 3} Add the public hearing to the beginning of regular Council meeting agenda
- ☐ Suggest some other option _____
-
-

7.2 The Council Procedure Bylaw has limited rules pertaining to public hearings, such as when they are held, rebuttal, notice, and who may ask a question. Does Council wish to add any additional rules?

(please select all that you would like included in the bylaw)

- ☐ No, keep the rules as they are
- ☐ Public hearings may be conducted by means of electronic or other communication facilities⁸

⁶ The order would be established in a policy for presentations, petitions and delegations

⁷ This is consistent with the options under petitions and delegations. As these are coordinated through staff, an application would not be required

⁸ The *Local Government Act* has authorized this, adding this would simply be for public transparency

- ☐ If a person wishes to speak a second time, they will be given further opportunity to address Council after all interested members of the public have been heard a first time
- ☐ Minutes of a public hearing will reflect the name and address of each speaker or written submission, whether in favour or opposed to the application, and a summary of the nature of the representation
- ☐ The owner or applicant shall be provided up 10 minutes to respond to comments or questions raised during the public hearing before the hearing is closed on their application. No person, having been heard, may make a reply or rebuttal or further submission following the applicant's response without the leave of Council
- ☐ All comments during a public hearing are to be directed to Council and must relate to the proposed bylaw. Comments must be respectful of Council, staff and other members of the public
- ☐ Further consideration of the bylaw that was subject to the public hearing shall occur immediately following the close of the public hearing
- ☐ Suggest some other rule _____

7.3 The current process for statutory opportunities for persons to be heard varies dependant on the particular matter. Does Council wish to establish a formal process where the public or specific persons have a statutory right to be heard?

(please select one option)

- ☐ No, continue with current practice
- ☐ Yes, include "Statutory Hearings and Reconsideration" section to follow public hearing (whether public hearings remain separate meetings or are moved back within the regular Council meeting)
- ☐ Yes, include "Statutory Hearings and Reconsideration" section to follow approval of the agenda

7.4 Staff is recommending that Council include a new category in the agenda for Statutory Hearings and Reconsideration, which of the following rules does Council wish to include?

(please select all that you would like included in the bylaw)

- ☐ A request submitted, in accordance with the Delegation of Authority Bylaw, for Council to reconsider a decision delegated to an employee will be placed on an agenda under "Statutory Hearings and Reconsideration"
- ☐ Where a person(s) has a statutory right to be heard under provincial legislation, that person shall be provided such an opportunity, subject to all conditions under the provincial legislation being met, their request shall be placed under "Statutory Hearings and Reconsideration"
- ☐ All materials to be presented must be received by the Corporate Officer at least 4 working days prior to the day of the meeting (e.g., handouts or PPT presentations)
- ☐ Each speaker will state their name and address of residence for the record. The minutes will reflect the name and address of each speaker or written submission and a summary of the nature of the representation.
- ☐ All comments are to be directed to Council and must relate to the proposed matter for consideration or reconsideration. Comments must be respectful of Council, staff and other members of the public.

- ☐ Suggest some other rule _____

8. COMMITTEE OF THE WHOLE & COMMITTEE MEETINGS

8.1 Committee of the Whole meetings are held once a month on the second Tuesday at 5:00pm. Is Council interested in changing the COW meeting date or time?

(please select all that you would like included in the bylaw)

- ☐ No, keep to 5:00 pm on the second Tuesday of each month
- ☐ Change start time to 6:00 pm
- ☐ ³ Change start time to 7:00 pm
- ☐ Change start time to _____
- ☐ Change meeting date to _____

8.2 Currently the Mayor presides at COW meetings unless the Mayor appoints a Councillor to do so. Does Council want to change who chairs COW meetings?

(please select one option)

- ☐ ³ No, keep the same with the Mayor making the determination
- ☐ Designate the Acting Mayor as the chair of COW meetings
- ☐ Establish a rotating schedule for a Councillor to chair of COW meetings
- ☐ Suggest some other way to select COW chair _____

8.3 Does Council wish to establish any other rules in relation to COW meetings?

(please select all that you would like included in the bylaw)

- ☐ When preparing the agenda, the Mayor and Corporate Officer may vary the order set out under the Order of Business for COW meetings and delete agenda headings if there is no business under those items.
- ☐ A member may speak any number of times on the same question while in COW
- ☐ Where Council has gone into COW by resolution, from a regular Council meeting, a motion to rise with report or rise without report will be required to resume the Council meeting.
- ☐ If a motion to rise without report is adopted while Council members are in COW, the Council meeting must resume and proceed to the next order of business.
- ☐ If a motion to rise with report is adopted while Council members are in COW, the presiding member must report to the Mayor, in the Council meeting, by describing the recommendation from the COW or provide a summary of the discussion.
- ☐ A motion to rise without report is not debatable and takes precedence over all other motions and will require a 2/3 vote to pass.
- ☐ A motion to rise with report will conclude the debate on the recommendation to Council. The motion is not debatable and requires a majority vote to pass.
- ☐ A motion that is introduced at a Council meeting, following a motion to rise and report has been adopted, does not require a seconder.⁹

⁹ This is a Robert's Rules of Order rule which is often confused by Corporate Officers. It does not mean that motions made while in COW do not require a seconder, what it means is that when Council goes into COW from a regular Council meeting and then rises and reports back to.

- ☐ Suggest some other rule _____

8.4 Under the existing bylaw, the Mayor is considered and ex-officio member of all committees and may participate in the debate and vote. Does Council want to allow the Mayor to continue to continue with this ex-officio status?

(please select one option)

- ☐ Keep the Mayor as an ex-officio member with voting privileges
☐ Remove the Mayor's ex-officio privileges¹⁰
☐ ^{1, 2, 3} Permit non-committee Council members to participate in discussion as non-voting members

9. MOTIONS

9.1 Under the Notice of Motion Policy, a motion may not be considered at the same meeting where notice was given. Does Council wish to change this so that the motion could be considered at the same meeting?

(please select one option)

- ☐ ^{1, 2, 3} Motion may only be considered at the subsequent meeting
☐ Motion may be considered immediately if resolved by a majority vote of Council
☐ Motion may be considered immediately if resolved by a 2/3 vote of Council
☐ Motion may be considered immediately if resolved by a unanimous vote of Council

9.2 Currently Councillors have 30 days to move a motion to reconsider a decision of the original vote, does Council wish to keep this limit the same?

(please select one option)

- ☐ Keep the same by allowing a Councillor, who has voted on the prevailing side, to move the motion to reconsider within 30 days of the original vote
☐ ^{1, 3} Allow a Councillor, who has voted on the prevailing side, to move the motion to reconsider at the next meeting

10. GENERAL

10.1 Is there anything else you would like changed or added to the Council Procedure Bylaw?

- ☐ No
☐ Yes _____

¹⁰ If the Mayor's ex-officio privilege was removed, the Mayor would be limited to the same participation rules as other non-committee Council members (i.e., observe the committee meeting).