

Meeting Procedures in Local Government

Richard A. Beauchamp, City Clerk, City of Kelowna
October, 1992

MEETING PROCEDURE GUIDE PRESENTATION

EXECUTIVE SUMMARY

1) INTRODUCTION

The City of Kelowna's Council Procedure Bylaw became outdated and in need of changes to make it a useful administrative tool to assist Council in conducting effective and efficient meetings.

In preparing a new Procedure Bylaw for Council's consideration, an attempt to set out the legal requirements established by Statute regarding local government meetings, with a comprehensive index for easy reference, was sought. In addition, and more importantly, a "Meeting Procedure Guide" was established to assist Council to better understand parliamentary procedures as well as some tips on running effective meetings.

Meetings have been held since time immortal. The first meeting is probably over the family unit, then of tribal Council, and later bodies with a mandate to regulate and govern. During the long period of time since meetings began, many traditions were created, although most of the modern concept about proper conduct of meetings were derived from legislative assemblies. Conflicts over proper procedure, however, have long been tested in the courts so that a considerable body of common law on meetings has been accumulated.

There are many different types of meetings, as you are aware, ranging from formal inaugural meetings to informal committee meetings that Council have to attend while holding office. The underlying objective of parliamentary procedure is to establish and maintain conditions which will permit a free and fair, exchange of viewpoints on issues regularly brought before the group. It is important that the rules be precise and equitable and that they be even-handedly applied under the authority of one who is impartial and understanding of this intent is beyond dispute.

The purpose of any meeting is to ascertain the opinion of the body, as a group, upon some matter. To understand the question and make an intelligent decision, discussion is necessary. To ensure due deliberation and orderly consideration, rules of order are followed. Even in the absence of any formal directive, it is of the utmost importance that the basic rules of order be understood and observed; otherwise participants are made unsure of their rights and limitations, controls are weakened, and the basic authenticity of the decision may be open to question.

2) OBJECT OF PARLIAMENTARY PROCEDURE

The underlying object of parliamentary procedure is to establish and maintain conditions which will permit a free and fair exchange of viewpoints on issues regularly brought before Council.

The chief purpose of parliamentary procedure is to protect the rights of the minority. The majority can usually take care of itself and in a government controlled by public

opinion, which we call a democracy, accepted rules of parliamentary procedure are not only at the highest importance for legislature, they are the foundation of freedom in every meeting, large or small, throughout the nation. Properly used parliamentary procedure provides the means whereby the affairs of an organization can be controlled by the general will within the whole membership. The 'general will', in this case, does not always imply 'unanimity or consensus' but rather the right of the deliberate majority to decide. Complementary to this right is the right of the majority, at least a strong minority, to require the majority to be deliberate - that is, to act according to its considered judgment after a full and fair 'working through' of the issues involved. Parliament is the model for all assemblies and should be, in the words of Winston Churchill, "a strong, easy, flexible instrument of free debate". It attains the status by willing observance before, leading to an expression of collective will or opinion. Unanimity cannot always be reached, but procedures which have ensured, and which have been seen to ensure, proper deliberation of an issue, will lead to acceptance and wider support of the outcome.

It may not always be possible to reconcile practice with theory, but in effect, good procedure is fair play and common sense built on a solid foundation of acknowledged principle. After all, the rules must not change in the middle of the game. Technical procedure should be discouraged in legislative bodies and to a greater degree, in ordinary parliamentary groups. Rules should be applied and interpreted as to permit a majority to accomplish its ultimate purpose within a reasonable period of time, but only after following the minority reasonable opportunity to express its views on the question and issue.

3) PARLIAMENTARY LAW

Parliamentary Law should be used only to help, not to hinder business. One who is constantly raising points of order and insisting upon a strict observance of every rule in the peaceable assembly, in which most of the members are unfamiliar with these rules and customs, makes himself/herself a nuisance, hinders business and prejudices people against parliamentary law. Such person either does not understand its real purpose or else willfully misuses his/her knowledge. Most of the laws of parliamentary procedure flow naturally from and are a logical application of basic principles. Thus what appears at first glance to be a deadly routine of rule memorization is actually an example of applied reasoning. The following should be taken into consideration:

- things must be handled one at a time;
- all members have equal rights, responsibilities, privileges and obligations;
- the will of the majority prevails;
- the rights of the minority must be protected;
- every member has the right to know what motion is before the assembly and what affect that motion would have if adopted;
- meetings must be conducted with fairness and good faith.

4) PURPOSE OF MEETINGS

Meetings may be held for one or a combination of the following reasons:

- a) to solve problems and to reach decisions;
- b) to give information;
- c) to obtain information;
- d) to provide training or instruction.

If these purposes were required to be made more specific, they would break down into enumerable subdivisions. Possibly it could be said as a generalization though, that meetings are for the twin purpose of communication and decision-making. As far as communication is concerned, too often it appears to be assumed that the purpose of the meeting is to give information. An equally valid premise is that it is held to obtain information. The essence of the decision-making process is to obtain consensus of the members. To reach consensus, the members must be permitted to express opinions and viewpoints.

5) CHAIRMAN'S VOTE

When the votes are equal at a meeting, the Chairman, who does not otherwise vote, gives a decisive vote, and in doing so, is guided by the same principle as the speaker of the house. If, in consequences, a revision of the votes, it is discovered that there was no occasion for such a vote but that the question was decided without it, the vote of the Chairman is not reckoned with, the others in the same side but disregarded altogether as if it had not been given.

6) DEFAMATION

Defamation is a generic term for libel, slander and innuendo just as goodwill is a recognizable asset for enterprise, so too often the good name and reputation of the individual's precious possessions which the law protects. Halbury's Laws of England describes defamation as "a statement which, if published of and concerning a person, is calculated to lower him in the estimation of right thinking men/women or cause him/her to be shunned or avoided or to expose him/her to hatred, content or ridicule, or to convey an imputation on him/her, disparaging an injurious to him/her in his/her office, profession, calling, trade or business".

7) LIBEL AND SLANDER

A simple way to distinguish between libel and slander is to recognize that the former is addressed to the eye and the latter to the ear. Libel usually is defamation in permanent form, such as a picture, statement or figure in effigy, or any form of libel in writing. Defamation could also be made to apply to skywriting, libel being to the eye and publication occurring even if transitory in form. Slander is transmitted by the spoken word or gesture.

8) CONFLICT OF INTEREST

Public confidence in the impartiality, independence and integrity of the City Council is

essential for proper administration of the City's affairs. The City, as a public body, requires that its Council clearly understand their duties so as to maintain public confidence and that they do not participate in any private business or activity which could reasonably be believed to conflict with the Councilor's obligation to the City. There is no current legislation in the Province of British Columbia regarding conflict of interest for local government and members of Council. There is, however, the Provincial Public Financial Disclosure Statute which requires members of Council to file a disclosure of personally held assets two times per year. Council's Oath of Office stipulates that he or she will not while holding office, have an interest directly or indirectly, in a contract of services connected with the municipality except as allowed under the Municipal Act, and will faithfully perform the duties of their office and will not allow any private interest to influence their conduct in public matters.

The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- a) government decisions and policies be made through the proper channels of government structure;
- b) public office not be used for personal gain; and
- c) the public has confidence in the integrity of its government.

Accordingly, it is the purpose of the following suggested guidelines of conduct to outline certain basic rules for members of Council so that they may carry out their duties ensuring quality of service to all, recognizing that the basic functions of the elected local government officials are, at all times, service to their community and the public. To further these objectives, certain ethical principles should govern the conduct of members of Council in order that they shall maintain the highest standard of conduct in public office and faithfully discharge the duties of office without fear or favour.

Members of Council shall:

- a) declare to the Council at the first opportunity their interest or known interest of any close relative, in any enterprise which proposes to transact business with the municipality; not vote on the matter; and should leave the place of the meeting while the subject is being discussed and voted on;
- b) declare to Council at the first opportunity their interest or the known interest of any close relatives, in any property which is subject to the rezoning proposal, development proposal, subdivision or any permit or other consideration within the municipality; not vote on the matter; and leave the place of meeting while the subject is being discussed and voted on;
- c) not use any information designated 'confidential' for the personal profit of themselves or any other person;
- d) not communicate information designated 'confidential' to anyone not

entitled to receive same;

- e) not use their position to secure special privileges, favors or exemptions for themselves, or any other person;
- f) avoid any situation that could cause any person to believe that they may have brought bias or partiality to a question before Council

Should a member of Council feel he/she has a pecuniary interest or is in any way in conflict of any matter before Council, he/she should publicly disclose this matter to the Chair and immediately excuse themselves from the Council Chamber and from voting upon any matter before Council. A simple rule of thumb for Council to use is that, if you have to ask the question - "Am I in conflict?" - you could very well be, and should therefore excuse yourself from any discussion.

9) GETTING MORE FROM MEETINGS

BEFORE MEETING

- a) Generate Alternatives
 - I. conference call
 - II. postpone
 - III. cancel
 - IV. send a representative;
- b) Define Purpose Clearly (to analyze, decide, inform, coordinate);
- c) Limit Attendance (only those needed should attend); -
- d) Stagger Attendance (attend only for time needed to make contribution);
- e) Correct Time (strategic timing is information available, people, etc.);
- f) Pick Right Place (remote to avoid interruptions; geographic accessibility);
- g) Send Advance Agenda and Information (no surprises, all prepared);
- h) Compute Costs per Minute (measure cost of starting late and topic discussion);
- i) Time Limit Agenda by Topic (Apportion time in accordance with importance);
- j) Time Limit Meeting (establish and advise ending time).

DURING MEETING

- k) Start on Time (don't penalize those arriving on time and avoid latecomers by waiting for them);
- l) Assign Time-Keeping and Minutes Responsibility;
- m) Hold `Stand-Up` Meetings;
- n) Start With and Stick to Agenda (style of leadership for Chairman may vary depending upon purpose of meeting - to inform, generate training solutions or decide);
- o) Prevent Interruptions (no phone calls or messages short of extreme emergencies);

- p) Accomplished Purpose (restate conclusion, clarify assignments);
- q) Evaluate Meeting (was advance information adequate; did meeting start on time; was agenda followed and purpose achieved within time allocation; were right people in attendance; was time wasted);
- r) End on Time (respect plans of those who assumed meeting would end on time).

AFTER MEETING

- s) Expedite Matters (concise minutes should include any decisions, those responsible and deadlines);
- t) Follow-Up
 - i) progress reports
 - ii) execution of decisions
 - iii) take inventory of committees.

10) CONCLUSION

Why have good procedures?

- procedures of Council meetings are much more than merely following Parliamentary Law and Robert's Rules of Order. It extends to the overall effectiveness and efficiency of any well run municipality.
- more effective use of Council/staff time.
- Council/staff relations can be improved.
- improved image of the organization for both Council and staff.

In many cases, procedures of Council do not get the attention and respect needed to foster good local government. One of the most difficult tasks facing an Administrator is performing the balancing act of providing Council with proper procedure guidelines to allow them to make fair and intelligent decisions for their municipality.

It should be recognized that the establishing of comprehensive procedures to govern meetings of Council are not intended to impede the decision-making process, but rather to act as a guide to facilitate the conduct of business and the making of well thought out decisions. As you are all aware, some of the most effective meetings are those conducted without reference to any formal procedure challenges or interpretations.

CITY OF KELOWNA

MEMORANDUM

November 20, 1991

TO: City Administrator
FROM: City Clerk
SUBJECT: Council Procedure Bylaw No. 7018 and
"Meeting Procedure Guide"

RECOMMENDATION:

1. THAT Council Procedure Bylaw No. 7018 be advanced for reading consideration by Council.
2. THAT the "Meeting Procedure Guide" prepared by the City Clerk dated November 15, 1991 be received for information and use by Council.

BACKGROUND:

The City of Kelowna's Council Procedure Bylaw has become outdated and in need of some housekeeping to make it a useful administrative tool to assist Council in conducting effective and efficient meetings. In preparing a new Procedure Bylaw for Council's consideration, we have attempted to set out the legal requirements established by Statute regarding local government meetings with a comprehensive index for easy reference. In addition, and more importantly, we have also prepared a "Meeting Procedure Guide" to assist Council in better understanding parliamentary procedure as well as some tips on running effective meetings.

Meetings have been held since time immemorial. The first meetings probably were of the family unit, then of the tribal council, and later bodies with a mandate to regulate or govern. During the long period of time since meetings began, many traditions were created, although most of the modern concept about proper conduct of meetings were derived from legislative assemblies. Conflicts over proper procedure, however, have long been tested in the courts so that a considerable body of common law on meetings has accumulated.

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If these purposes were required to be made more specific, they would break down into enumerable sub-divisions. Possibly it could be said as a generalization though, that meetings are for the twin purpose of communication and decision-making. As far as communication is concerned, too often it appears to be assumed that the purpose of the meeting is to give information. An equally valid premise is that it is held to obtain information. The essence of the decision-making process is to obtain consensus of the members. To reach consensus, the members must be permitted to express opinions and viewpoints.

There are many different types of meetings, as you are aware, ranging from formal inaugural meetings to informal committee meetings that Council have to attend while holding office. The underlying objective of parliamentary procedure is to establish and maintain conditions which will permit a free and fair exchange of viewpoint on issues regularly brought before the group. It is imperative that the rules be precise and equitable and that they be even-handedly applied under the authority of one whose impartiality and understanding of this intent is beyond dispute. According to Roberts' Rules of Order Revised "the object of rules of order is to assist an assembly to establish in the best possible manner the work for which it is designed. To do this, it is necessary to restrain the individual somewhat from doing what he/she pleases, if it is incompatible with the interest of the whole community. Where there is no law, but every man/woman does what is right, in his/her own eyes, is the least of real liberty."

The purpose of any meeting is to ascertain the opinion of the body, as a group, upon some matter. To understand the question and make an intelligent decision, discussion is necessary. To ensure due deliberation and orderly consideration, rules of order are followed. Even in the absence of any formal directive, it is of the utmost importance that the basic rules of order be understood and observed; otherwise participants are made unsure of their rights and limitations, controls are weakened, and the basic authenticity of the decision may be open to question.

It should be recognized that the establishing of comprehensive procedures to govern meetings of Council are not intended to impede the decision making process, but rather to act as a guide to facilitate the conduct of business and the making of well-thought-out decisions. As you are all aware, some of the most effective meetings are those conducted without reference to any formal procedure challenges or interpretations.

The foregoing new Procedure Bylaw and "Meeting Procedure Guide" will hopefully be looked upon as facilitating tools for Council rather than procedure impediments of the decision-making process.

R.A. Beauchamp
City Clerk

CITY OF KELOWNA

BYLAW NO. 7018

**Council Procedure Bylaw - A Bylaw to Regulate the
Proceedings of the Kelowna City Council.**

WHEREAS the Municipal Act, being Chapter 290, RSBC 1979, as amended, provides for regulation of meetings of the Municipal Council and the conduct thereof;

AND WHEREAS it is deemed expedient that additional rules be made for the better regulation and conduct of such meetings and that such additional rules shall be supplemental to and interpreted in accordance with the statutory provisions of the Municipal Act, being Chapter 290, RSBC, 1979.

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. **DEFINITIONS**

1.1 In this Bylaw, unless the context otherwise requires,

"Acting Mayor" is the member selected by Council to preside at any meeting of Council in the absence or incapacity of the Mayor;

"Administrator" is the City Administrator of the City of Kelowna;

"Agenda" is the list of items and order of business for any meeting of Council or its committees;

"Bylaw" is a Bylaw of the Municipality;

"Chairman" is the Mayor or Acting-Mayor appointed under the Municipal Act.

"Clerk" is the City Clerk of the City of Kelowna and includes his lawful Deputy or designated Acting Clerk;

"Committee" is a committee, board, commission or authority duly appointed by Council;

"Council" is the Municipal Council of the City of Kelowna;

"Mayor" is the duly elected Mayor of the City of Kelowna;

"Member" is a member of the Municipal Council of the City of Kelowna and includes the Mayor;

"Meeting" shall include all meetings of Council whether regular or otherwise;

"Motion" is a formal proposal made by a member of the Council that the Council undertake or approve a specified course of action;

"Municipality" is the City of Kelowna;

"Substantive Motion" is any motion except a motion to extend the time of the meeting, refer, amend, table, adjourn or terminate.

"Question" means the subject matter of a proposal contained in a motion.

2. PURPOSE

- 2.1 ESTABLISH RULES AND REGULATIONS. The purpose of this Bylaw is to establish rules and regulations according to which the proceedings of the Council are to be governed and conducted

3. MEETINGS OF THE COUNCIL

- 3.1 MEETINGS WITHIN BOUNDARIES. All meetings of the Council shall take place within the boundaries of the Municipality, except when the Council has resolved to hold a meeting or meetings outside the boundaries of the Municipality. (Municipal Act).
- 3.2 MEETINGS OPEN. Regular meetings of the Council shall be open to the public and no person shall be excluded except for improper conduct. If, in the opinion of the Council, the public interests so require, the Council may exclude persons other than its members and officers from a special meeting. (Municipal Act)
- 3.3 MAJORITY REQUIRED. All acts whatsoever authorized or required by this Act to be done by the Council, and all other questions, including questions of adjournment that may come before the Council, shall, save where otherwise so expressed, be done and decided by the majority of the members of the Council who shall be present at a meeting (Municipal Act).
- 3.4 MAYOR TO PRESIDE. The Mayor, if present, shall preside at all meetings of the Council. In all cases where the votes of the members of the Council then present, including the vote of the Mayor or other person presiding, are equal for and against a question, the question shall be negative, and it shall be the duty of the

member presiding to so declare. When sitting in Committee-of-the-Whole, the same procedure shall apply, except that any member of the Council may preside (Municipal Act).

- 3.5 DATES OF MEETINGS. The Council shall hold its first meeting on the first Monday after December 1 in any election year with the date and at the time as provided for by the "Municipal Act". Thereafter the Council shall decide from time to time, by resolution, when regular meetings shall be held.
- 3.6 SPECIAL MEETING. A special meeting of the Council may be called at any time by the Mayor (Municipal Act).
- (a) Previous to a special meeting of the Council, being a meeting other than a statutory, regular or adjourned meeting, a notice of the day, hour and place of the special meeting shall be given at least twenty-four (24) hours before the time of the meeting, leaving one copy of the notice for each member of Council at the place to which he has directed such notices to be sent, unless all the members of Council being then and there present the notice is waived by the unanimous vote of all the members of the Council. Each copy of the notice shall be signed by the Mayor, and Chairman, or by the Clerk.
 - (b) A notice shall be deemed to have been delivered if it is mailed forty-eight (48) hours before each meeting.
 - (c) Two or more members of the Council may, in writing, request the Mayor or Chairman to call a special meeting.
 - (d) In case the Mayor or Chairman, within twenty-four (24) hours after receiving the request, refuses or neglects to call a special meeting, to be held within seven (7) days upon which the request is received by him, or if the Mayor or Chairman is absent, then two or more members of the Council may call a special meeting.
 - (e) Notice of any meeting called under sub-section (c) shall be given according to sub-section (a) except that a notice of a meeting called under sub-section (c) shall be signed by the said members.
- 3.7 MEETING ON PUBLIC HOLIDAY. When the day fixed for a meeting of the Council falls on a public holiday or statutory holiday, the said meeting shall be held on the next following day which is not a public or statutory holiday.

- 3.8 POSTPONEMENT OF MEETING. The Mayor may, on two clear days' written notice, given through the Clerk's office, postpone any regular meeting of the Council to the day to be named in such notice.
- 3.9 AGENDA.
- (a) Prior to each regular meeting, the Clerk shall prepare an agenda of all business to be brought before the Council at such meeting.
 - (b) To enable the Clerk to do so, all documents intended to be submitted to the Council must be delivered to the Clerk not later than twelve noon on the Wednesday preceding the day of the meeting of the Council.
 - (c) Council shall proceed with business in the order set out in the aforementioned agenda or statement.
- 3.10 ALTER ORDER OF BUSINESS. The order of business at any meeting of the Council may be altered only by an affirmative vote of two-thirds of the members present at such meeting.
- 3.11 AGENDA FORMAT. In preparing the agenda, the Clerk shall state the business for consideration of the Council in the following order:
- a) Prayer;
 - b) Confirmation of minutes;
 - c) Committee-of-the-Whole Reports;
 - d) Unfinished Business;
 - e) Public in Attendance (Delegations and Submissions);
 - f) Petitions;
 - g) Correspondence;
 - h) Planning (including Planning/Development Bylaws);
 - i) Reports;
 - j) Resolutions;
 - k) Bylaws; Aldermanic Items
 - l) Termination
- 3.12 ALDERMANIC ITEMS. During the agenda item entitled "Aldermanic Items", Members of Council may introduce new business, pose inquiries and make suggestions upon orderly recognition by the Chairman. If staff members have a verbal answer to an aldermanic inquiry, immediate answers may be given if Council so wishes. If it is determined by the Chairman that the matter requires investigation, the matter shall not be debated until a written report is presented at a subsequent meeting of Council. Debate during "Aldermanic Items" is subject to the rules and procedures outlined throughout this Bylaw.

- 3.13 MAYOR TEMPORARILY LEAVES CHAIR. If the Mayor desires to leave the Chair for the purpose of taking part in the debate, or otherwise, he shall call upon the Acting-Mayor or in his absence, another Alderman to take his place until he resumes the Chair.
- 3.14 QUORUM. The Mayor is a member of Council and a quorum of the Council shall consist of five (5) members. (Municipal Act).
- 3.15 CALL TO ORDER. As soon after the hour of the meeting as there is a quorum present, the Mayor shall take the chair and call the members to order.
- 3.16 MAYOR LATE. In case the Mayor or Acting-Mayor does not attend within fifteen (15) minutes after time appointed for a meeting, the Clerk shall call the members to order, and if a quorum is present, the members shall choose a chairman who shall preside during the meeting or until the arrival of the Mayor. (Municipal Act).
- 3.17 NO QUORUM. If a quorum is not present within thirty (30) minutes after the time fixed for a meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next regular meeting (Municipal Act).
- 3.18 CONFIRMATION OF MINUTES. As soon as the members of the Council are called to order at any regular meeting, the Mayor shall ask the Council if there are any objections to the Minutes of previous meetings, or any motion to correct, and shall forthwith or after correction or change accordingly, (if any), declare such minutes confirmed and shall sign them.
- 3.19 QUESTION POSTPONED. When any order, resolution or question is not put by reason of the Council breaking up for want of a quorum, the order, resolution or question not so put shall be proceeded with and disposed of at the next meeting of the Council.
- 3.20 TERMINATION OF MEETING. When all business on the agenda has been dealt with, the Mayor (Presiding Officer) shall declare _the meeting terminated. _If the business has not been dealt with, the Mayor (Presiding Officer) shall entertain a motion to adjourn the meeting to a specific time and location to conclude the business at hand.
4. RULES OF CONDUCT AND DEBATE
- 4.1 ADDRESS CHAIR. Every member, on speaking to any question or motion, shall address himself to the chair.

- 4.2 MANNER OF ADDRESSING CHAIR Members shall address the chair as "Your Worship" or "Mayor" or "Chairman", and refer to each other as "His Worship, the Mayor or Alderman -----" as the case may be.
- 4.3 APPROVAL OF CHAIR. When a member wishes to speak at a Council Meeting, he shall obtain the approval of the Chair before doing so.
- 4.4 SHOW RESPECT. When a member is addressing the Council, he shall:
- a) not speak disrespectfully of the reigning Sovereign, or any member of the Royal family, the Governor General, the Lieutenant Governor, or persons administering the Government of Canada or any Province of Canada;
 - b) not use offensive words in referring to any member of the Council, or to any official of the municipality or member of the public;
 - c) not speak beside the question in debate or reflect upon any vote of Council except for the purpose of moving that such vote be reconsidered and when doing shall not reflect on the motives of the members who voted for the motion, or the mover of the motion;
 - d) not shout or immoderately raise his voice or use profane, vulgar or offensive language; and
 - e) assume personal responsibility for any statement he quotes to Council or upon request of Council shall give the source of the information.
- 4.5 MEMBERS CONDUCT When a member is addressing the Chair, every other member shall:
- (a) remain quiet and seated;
 - (b) not interrupt the speaker except on a point of order;
 - (c) not carry on a private conversation; and
 - (d) not cross between the speaker and the Chair.
- 4.6 LEAVING COUNCIL CHAMBERS Where a member wishes to leave while a meeting is in progress, he shall rise and await the permission of the Chairman before leaving his place.
- 4.7 REMAIN IN CHAMBER When the Chairman is putting the question, no

member shall walk out of or across the Chamber.

- 4.8 AUDIENCE CONDUCT Members of the public who constitute the audience in the Council Chamber during a Council meeting:
- (a) may not address Council without the permission of the Council;
 - (b) shall maintain order and quiet;
 - (c) shall not applaud or otherwise interrupt any speech or action of the members of Council, or any other person addressing Council.
- 4.9 CALL MEMBER TO ORDER The Chairman or any member may call another member to order while the latter is speaking. When such action is taken, the Chairman shall immediately suspend the debate and the member in question shall refrain from speaking until the point of order is determined.
- 4.10 UNRULY MEMBER No member shall resist the rules of Council or disobey the decision of the Chairman on points of order or practice or upon the interpretation of the rules of the Council. In case any member shall so resist or disobey, the Chairman may order him to leave the meeting and in case of his refusing to do so, the Chairman may order to have him expelled.
- 4.11 IMPROPER CONDUCT The Chairman may expel and exclude from a meeting of Council a person he considers guilty of improper conduct.
- 4.12 APOLOGY In the case of ample apology being made by the offender, the Council may, by a simple majority vote, permit him to retake his seat *forthwith*.
- 4.13 QUESTION TO BE READ Any member of the Council may of right require the question under discussion to be read for his information at any period of the debate, but not so as to interrupt a member speaking.
- 4.14 NO MEMBER TO SPEAK MORE THAN TWICE No member shall speak more than twice to the same question without the leave of the Chairman, except in explanation of the material part of his remarks, which may have been misunderstood, but in such cases he shall not be permitted to introduce any new matter.
- 4.15 INTRODUCING MEMBER MAY OPEN AND CLOSE The member who

introduces a motion shall be given the opportunity to open and close the debate.

- 4.16 REPLY FOR SUBSTANTIVE MOTIONS A reply shall be allowed to a member who has made a substantive motion, but not to any member who has moved an amendment.
- 4.17 TIME LIMIT No member shall speak to any question or in reply for a longer time than five (5) minutes without leave of the Chairman.
- 4.18 NO MOTIONS AFTER QUESTION PUT After a question is finally put by the Chairman, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
- 4.19 CHAIRMAN'S DECISION CONCLUSIVE The decision of the Chairman as to whether the question has been finally put and decided shall be conclusive.
- 4.20 VOTES DONE OPENLY Whenever a decision of the Council is taken for any purpose, each member of the Council present and voting shall announce his vote on the question openly and individually in the Chamber, and the Clerk shall record the same. No vote shall be taken in Council by ballot or any other method of secret voting.
- 4.21 VOTES ON DISTINCT PROPOSITIONS TAKEN SEPARATELY When the question under consideration contains distinct propositions, upon a ruling by the Chair or the request of any member, the vote upon each proposition shall be taken separately.
- 4.22 RECORDED VOTES The names of those who vote for and those who vote against the question shall be entered upon the minutes whenever any members shall call for "those in favour" and "opposed".
- 4.23 ABSTENTION DEEMED AFFIRMATIVE Any member of Council being present at a meeting who abstains from voting shall be deemed to have voted in the affirmative. (Municipal Act).
- 4.24 RECONSIDERATION OF DECISION After a decision has been taken on any question, except one of indefinite postponement of a subject, three (3) members of Council with the mover being a member who voted in the majority may, in writing, at any time within one month, move for a reconsideration or rescission thereof, provided such question has not been acted upon by any officer, servant or agent of the municipality.
- 4.25 MAIN QUESTION NOT DISCUSSED Council shall not discuss the main question at such time unless the motion for reconsideration is passed in the

affirmative.

- 4.26 RECONSIDER ONLY ONCE The Council shall not reconsider any question more than once.
- 4.27 EXTENSION OF ADJOURNMENT When at any session of the Council the hour of eleven (11:00) p.m. is reached, the Chairman shall declare the Council terminated and leave the Chair, unless the Council, by a two-thirds majority resolution, determines to continue for a specified length of time. If an extension of time is not agreed to, uncompleted agenda items shall be carried over to the beginning of the next regular meeting of Council or to a meeting of Council reconvened the following day as determined by resolution of Council.
5. BYLAWS
- 5.1 BYLAWS TO BE CIRCULATED Every proposed Bylaw shall be printed or typewritten before it is considered by the Council, and a copy of such draft shall be given to each member.
- 5.2 THREE READINGS AT ONE MEETING Every proposed Bylaw shall require a motion for introduction and first reading, a motion for second reading, and a motion for third reading; three readings may be given to a Bylaw at the same sitting of Council unless otherwise stipulated by the Municipal Act.
- 5.3 OFFICIAL COMMUNITY PLAN, ZONING AMENDMENTS Subject to this section, Council may adopt an Official Community Plan, zoning or land use contract amending Bylaw at the same meeting at which the plan, or Bylaw passed third reading.
- 5.4 ABBREVIATED FORM All readings of a Bylaw may be given in an abbreviated form, but all or any part of a Bylaw shall be read, if Council so directs.
- 5.5 ASSENT OF ELECTORS Where under the Municipal Act a Bylaw requires the assent of the electors or is the approval of the Lieutenant-Governor in Council, the Minister, or the Inspector of Municipalities, the assent or approval shall be obtained after the Bylaw has been given a third reading by the Council and before it is adopted.
- 5.6 RECONSIDERATION BEFORE ADOPTION Every Bylaw passed by Council shall be reconsidered not less than 1 day after third reading unless otherwise stipulated by the Municipal Act and before adoption. If adopted by the Council shall be signed by the Mayor or other member of the Council

presiding at the meeting at which the Bylaw has been adopted, and shall be signed by the Clerk, and the Clerk shall affix the Corporate Seal of the Municipality thereto.

- 5.7 ADOPTION MOTION Every Bylaw placed before the Council for reconsideration and adoption shall be adopted upon the passing of a motion reading substantially: "THAT Bylaw No. (here give the number) - shall be reconsidered, finally passed and adopted."
6. MOTIONS
- 6.1 MOTIONS RECORDED IN WRITING Every motion shall be recorded in writing by the Clerk. (Municipal Act)
- 6.2 NO DEBATE WITHOUT MOTION Debate shall not be permitted without a motion being placed before Council by a member.
- 6.3 MOTION SUBMITTED TO CLERK At the direction of the Chairman, a motion may be required to be submitted to the Clerk, in writing, by the member of Council making such motion.
- 6.4 MOTION SUBMITTED IN WRITING Every motion of which notice is given shall be submitted in writing to the Clerk by the member of Council giving such notice at the time such notice is given to Council
- 6.5 OPEN DEBATE When a motion has been made and seconded, the Chairman shall propose a question framed thereon to open the debate.
- 6.6 CLOSE DEBATE The Chairman shall put the question so framed when he desires to close the debate.
- 6.7 MOTION WITHDRAWN After a motion has been stated or read, it is deemed to be in the possession of the Council but it may be withdrawn by unanimous consent of the members of the Council present.
- 6.8 MOTIONS DURING CONSIDERATION OF QUESTION When any question is under consideration, no motion shall be received except:
- a) to adjourn;
 - b) to lay on the table;
 - c) to refer;
 - d) to amend;
 - e) to put the question;
 - f) to terminate meeting.

6.9 PRECEDENCE OF MOTIONS Motions set out in Section 6.8 shall take precedence as follows:

- a) to put the question;
- b) to lay on the table;
- c) a motion for reference shall, until it is decided, preclude all amendments of the main question;
- d) a motion to adjourn the debate shall always be in order, need not be in writing, and shall be decided without debate. No second motion to the same effect shall be made until some intermediate proceedings have occurred;-
- e) to amend

6.10 MOTION CONTRARY TO RULES OF COUNCIL Whenever the Chairman is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall apprise the members thereof without proposing the question and shall cite the rule or authority applicable to the case without argument or comment.

7. AMENDMENTS

7.1 AMENDING A MOTION A member may move that a motion be amended in one of the following ways:

- (a) by leaving out certain words, or
- (b) by leaving out certain or all words and inserting, substituting or adding others, or
- (c) by inserting or adding certain words'.

7.2 AMENDMENT BEFORE ORIGINAL When a member moves to attend a motion, the Chairman shall state the original motion followed by the amendment and then shall propose the question of the amendment to the Council.

7.3 AMENDMENT RESOLVED IN NEGATIVE If such a question is resolved in the negative, the Chairman shall again propose the main question and debate may ensue thereon, or other amendments may be submitted by members other than the member who moved the defeated amendment.

7.4 AMENDMENT RESOLVED IN POSITIVE If such a question is passed in the affirmative, the main question shall be presented as amended. It shall be competent for a member to move other amendments subject to the limitations set forth in Section 7.5.

7.5 ONE AMENDMENT TO AN AMENDMENT Only one amendment shall be allowed to an amendment, and an amendment once negated by the Council cannot be moved a second time.

7.6 ORDER OF VOTING The Chairman shall put amendments to the Council in the reverse order to that in which they are moved, that is to say, when there is a main motion, an amendment and an amendment thereto, the motion and appendages shall be put to the Council in the following order:

- (a) The amendment to the amendment,
- (b) The amendment to the main motion,
- (c) The main motion.

8. PETITIONS AND COMMUNICATIONS

8.1 COMMUNICATIONS TO BE WRITTEN Every petition or other communication intended to be presented to the Council must be fairly written or printed on paper or parchment and signed by at least one person.

8.2 COMMUNICATION ATTACHMENTS MUST RELATE No letters, affidavits or other documents shall be attached to a communication unless the subject matter of same is embodied in the petition.

8.3 DEADLINE FOR RECEIPT OF PETITIONS AND COMMUNICATIONS
Petitions and Communications are subject to the Wednesday noon deadline for inclusion on the Council Agenda. (All persons wishing to address Council under the "Public in Attendance" portion of the agenda, must submit a written request to the City Clerk by this same deadline).

8.4 REFERRED WITHOUT MOTION All written communications which it is deemed advisable to refer to the Municipal Staff or to any standing committee shall be referred by the Chairman to the same without any motion.

8.5 PETITIONS REFERRED No member shall speak upon any petition or other communication, but any member may move that in referring said petition or other communications to the Municipal staff or standing committee, certain instructions may be given to the said Municipal staff or standing committee in question, or that said petition or communications be referred to a special committee.

9. DELEGATIONS

9.1 DEADLINE All persons wishing to address Council under the "Public in Attendance" portion of the agenda, must submit a written request and outline to the

Clerk prior to the deadline for inclusion on the Council agenda.

- 9.2 APPLICATION TO BE HEARD When a person or representative of any group of persons wishes to address Council on a matter whether or not it is on the agenda, he shall so advise the Clerk, and Council may, on a majority affirmative vote, allow the person or representative to address it.
- 9.3 TIME LIMIT No person shall address Council for more than ten (10) minutes exclusive of the time required to answer questions put to him by Council. .
- 9.4 COMMITTEE-OF-THE-WHOLE DELEGATIONS Should the Administrator deem that the delegation may be addressing an item that will require considerable discussion, he may schedule the delegation to attend a Committee-of-the-Whole or Standing Committee meeting.
- 9.5 CONDUCT When a person is addressing the Council, he shall:
- (a) not speak disrespectfully of Her Majesty the Queen, her representative or her government; the persons administering the Government of Canada or any Province of Canada;
 - (b) not use offensive words in reference to any member of the Council, any official of the municipality, or member of the public;
 - (c) not shout or immoderately raise his voice or use profane, vulgar or offensive language; and.
 - (d) assume personal responsibility for any statement he quotes to Council or upon request of Council shall give the source of his information.

10. PROCEEDINGS FOR COMMITTEE OF THE WHOLE

- 10.1 QUORUM (COMMITTEE-OF-THE-WHOLE) A quorum of the Council shall constitute the Committee of the Whole.
- 10.2 CALLING OF COMMITTEE-OF-THE-WHOLE MEETING A meeting of the Committee of the Whole may be called at any time by the Mayor.
- 10.3 DURING COUNCIL MEETING (COMMITTEE-OF-THE-WHOLE) During a Council meeting, the Council may, by resolution, resolve itself into Committee of the Whole to consider specific matters.
- 10.4 CHAIRMAN TO PRESIDE (COMMITTEE-OF-THE-WHOLE) The Chairman of the Council meeting shall preside in Committee of the Whole, unless the Committee or Council appoints another member of the Council to preside.
- 10.5 RULES OBSERVED (COMMITTEE-OF-THE-WHOLE) The rules of the

Council shall be observed in Committee of the Whole so far as may be applicable, except that:

- (a) the number of speeches by a member to any question shall not be limited;
- (b) no member shall speak for a longer total time than five minutes to a question;
- (c) a motion for adjournment shall not be allowed; and
- (d) no seconder required for motions.

10.6 RISE AND REPORT (COMMITTEE-OF-THE-WHOLE) When all matters referred to Committee-of-the-Whole have been considered, a motion to rise and report shall be adopted provided, however, that the Committee, when it has partially considered the matter, may report progress and ask leave to sit again.

10.7 PRESIDING OFFICER TO REPORT (COMMITTEE-OF-THE-WHOLE) On resumption of business in Council, the presiding Officer in. Committee of the Whole shall report to Council and the Council may:

- (a) adopt the report, or
- (b) reject the report, or
- (c) adopt the report with amendments, or
- (d) commit the subject matter for further consideration, either in part or in the whole, or
- (e) postpone action on the report, or
- (f) approve a request of Committee to sit again, the Committee having reported progress after partial consideration of the subject.

11. PROCEEDINGS FOR STANDING COMMITTEES

11.1 GENERAL DUTIES General duties of Standing Committees shall be to consider and report to Council in writing, from time to time through the City Administrator as often as the interests of the Municipality may require. All matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary and expedient.

11.2 MAYOR DESIGNATE CHAIRMAN The Mayor shall designate one (1) member of each Committee to act as Chairman.

11.3 MAYOR EX-OFFICIO The Mayor shall be ex-officio member of all Committees and be entitled to a vote at all meetings thereof.

- 11.4 COUNCIL MEMBERS ATTENDING COMMITTEES All members of Council may attend meetings of the Standing Committee and may, with the consent of the Committee, take part in the discussion, but shall not be entitled to vote on any items brought before the Committee.
- 11.5 APPOINTMENT OF COMMITTEES At the Statutory Meeting of each newly-elected Council, the Mayor shall, with the approval of Council, appoint Standing and other Committees of Council. The Mayor and/or Council may appoint and select ad hoc committees from time to time to deal with specific subjects; such committees to be disbanded upon completion of their specific assignment.
- 11.6 COMMITTEE VACANCY In the event of a vacancy occurring in the office of a member of a Standing Committee during any term, the Council shall appoint a substitute member to such committee for the remainder of the term.
- 11.7 QUORUM OF COMMITTEE A quorum in any committee is the majority of the voting members of the committee.
- 11.8 STANDING COMMITTEE MEETINGS A Standing Committee of Council shall meet in accordance with the schedule of meetings as adopted by Council.
- 11.9 SPECIAL MEETINGS OF STANDING COMMITTEES Special meetings of a Standing Committee may be called by the Committee Chairman with at least 48 hours notice whenever he may consider it necessary to do so, or it shall be the duty of the Clerk to 'summon a Special Meeting of the Committee whenever requests in writing to do so by a quorum of the members of the Committee.
- 11.10 URGENT COMMITTEE ITEMS The Chairman of a Standing Committee may, at his discretion, refer a matter of urgent nature to the Council, or the Committee-of-the-Whole, which due to the time element, cannot be properly presented to the next Regular Meeting of a Committee.
- 11.11 VOTING ON QUESTIONS The Committee Chairman, or in his absence the Vice-Chairman or such other member of the Committee as may be chosen by the Committee, shall preside at every meeting and may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided in the negative.
- 11.12 ABSENCE OF COMMITTEE CHAIRMAN In the absence of the Committee Chairman and Vice-Chairman for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the Committee, one of the other members of the Committee, if there is a quorum present, may be

appointed and shall discharge the duties of the Committee Chairman during the meeting or until the arrival of the Committee Chairman.

- 11.13 LACK OF COMMITTEE QUORUM If there is no quorum present thirty (30) minutes after the time appointed for the meeting, the meeting shall be terminated at the call of the Committee Chairman.
- 11.14 COMMITTEE QUORUM A quorum is a majority of the voting members of the Committee.
- 11.15 PROCEDURE FOR COMMITTEES It shall be the duty of each committee to adhere to the transaction of all business according to the rules governing the procedure in the Committee-of-the-Whole as prescribed by this Bylaw.
- 11.16 POINT OF ORDER IN COMMITTEES When a point of order is raised or when a member is called to order in a committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chairman, subject to an appeal to the members of the Committee.
- 11.17 VOTING BY COMMITTEE CHAIRMAN The Committee Chairman shall be entitled to vote at meetings thereof as a member of such Committee but shall not have a second or casting vote in the event of equality of votes on any question.
- 11.18 MINUTES OF STANDING COMMITTEES. The Clerk shall be the Secretary of all Standing Committees of Council, but he may assign his duties as Secretary. A copy of the minutes of each Standing Committee shall be forwarded to Council.
- 11.19 DUTIES OF THE SECRETARY: It shall be the duty of the Secretary:
- (a) to give notice of each regular meeting of the Standing Committee, together with an agenda of the matter to be considered, so that such notice and agenda will reach the members at their addresses, as recorded in the Council records not later than one (1) working day preceding the day of the meeting; and
 - (b) to give notice of each special meeting of the Standing Committee, together with an agenda of the matter to be considered, so that such notice and agenda will reach the

members at their addresses, as recorded in the Council records not later than one (1) working day preceding the day of the meeting.

- 11.20 SPEAKING TO MOTIONS OF COMMITTEE The number of times a Committee member may speak on any question shall not be limited.
- 11.21 MEMBER DISREGARDING THE RULES OF COUNCIL If a Committee member disregards the rules of the Council or a decision of the Chairman of the Standing Committee on questions of order or practice, or upon the interpretation of the rules of the Council and persists in such conduct, after having been called to order by the said Chairman, the Chairman shall forthwith put the question with no amendment, adjournment or debate "that such member be ordered to leave his seat for the duration of the Committee meeting". If, following such vote by the Committee, the member apologizes, he may, by a further vote of the Committee, be permitted to retake his seat.
12. seat for the duration of the Committee meeting". If, following such vote by the Committee, the member apologizes, he may, by a further vote of the Committee, be permitted to retake his seat.

IN CAMERA MEETINGS

- 12.1 PUBLIC EXCUSED FROM IN-CAMERA MEETING Council may, from time to time, declare that the public interest requires that a meeting be closed and thereby excluded from the meeting:
- (a) persons other than its members and officers;
 - (b) persons other than its members (Municipal Act).
- 12.2 DISCLOSURE OF IN-CAMERA PROCEEDINGS No member of Council shall disclose to the public the proceedings of a closed meeting, unless a resolution has been passed at the closed meeting to allow disclosure.
- 12.3 MINUTES OF IN-CAMERA MEETINGS
Minutes of a closed In-Camera meeting shall be kept in the same manner as a Regular Meeting but shall not be filed with the minutes of a Regular Meeting or made available to the public.
- 12.4 ITEMS FOR IN-CAMERA DISCUSSION: Unless otherwise determined by the Council, the following matters shall be considered InCamera:
- (a) land acquisition, disposal negotiations;
 - (b) personnel;
 - (c) conduct of law suits;
 - (d) labour relations;
 - (e) such other matters as Council declares that the public interest

requires they be dealt with in a closed meeting.

UNPROVIDED CASES

- 13.1 ROBERTS' RULES OF ORDER. In all unprovided cases in the proceeding of the Council or Committee(s), the laws and rules of Roberts' Rules of Order shall be followed, except that in such cases, there shall not be any inconsistency with this Bylaw or with the Municipal Act.
- 13.2 MAYOR TO PRESERVE ORDER. The Mayor or the member presiding at the meeting of the Council shall preserve order and decide all points of order which may arise, but subject to an appeal to the other members of the Council then present.
- 13.3 APPEAL OF DECISION. An appeal may be taken by a member of the Council from the decision of the Mayor respecting any rule or order of procedure. In which case the question shall be immediately put by the member and decided without debate, namely "shall the Chair be sustained?" and the Mayor shall be governed by the majority of the members of the Council then present (exclusive of himself), and the names of the members of the Council voting for or against the question "Shall the Chair be sustained?" shall be recorded in the Minutes; and in the event of the votes being equal, the question shall pass in the affirmative (Municipal Act).

14 . SUSPENSION OF RULES

- 14.1 TEMPORARY SUSPENSION OF RULES Any one or more of the rules and orders contained in this Bylaw may be temporarily suspended for one specific Council Meeting or one specific item before Council by a vote of two-thirds of the members of the Council present.

15 . MISCELLANEOUS

- 15.1 NOTICE TO ATTEND This Bylaw shall not be altered or amended except by Bylaw passed at a regular meeting of the Council in pursuance of a notice in writing given and openly announced at a preceding regular meeting of the Council. (Municipal Act).
- 15.2 ACTS OF COUNCIL An act or proceeding of Council is not valid unless it is authorized or adopted by Bylaw or resolution at a meeting of Council.
- 15.3 GRAMMATICAL GENDER In this Bylaw, the masculine includes the feminine and vice versa wherever the text and parties so require.

- 15.4 REPEAL COUNCIL PROCEDURE BYLAWS. Council Procedure Bylaw No. 3845 and amending Bylaws 3863, 3883, 5413 and 6238 are hereby repealed.

Read a first time by the Municipal Council this

Read a second time by the Municipal Council this

Read a third time by the Municipal Council this

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

COUNCIL PROCEDURE BYLAW NO. 7018

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CITY OF KELOWNA

MEETING PROCEDURE GUIDE

CITY OF KELOWNA

MEETING PROCEDURE GUIDE

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CITY OF KELOWNA
MEETING PROCEDURE GUIDE

1. INTRODUCTION

The purpose of this guide is to introduce Parliamentary Procedures that are used in the conduct of various meetings. This guide could not possibly cover all situations but is intended to assist Council to gain an insight in assisting one another in conducting effective meetings. The original word "parliamentary" is derived from a French parler (to speak, discuss and deliberate).

2. PARLIAMENTARY PROCEDURE

The chief purpose of parliamentary procedure is to protect the rights of the minority. The majority can usually take care of itself and in a government controlled by public opinion, which we call a democracy, accepted rules of parliamentary procedure are not only at the highest importance for legislature, they are the foundation of freedom in every meeting, large or small, throughout the nation. Properly used parliamentary procedure provides the means whereby the affairs of an organization can be controlled by the general will within the whole membership. The "general will", in this case, does not always imply an "unanimity or consensus" but rather the right of the deliberate majority to decide. Complementary to this right is the right of the majority, at least a strong minority, to require the majority to be deliberate - that is, to act according to its considered judgment after a full and fair "working through" of the issues involved. Parliament, the model for all assemblies, should be, in the words of Winston Churchill, "a strong, easy, flexible instrument of free debate". It attains the status by the willing observants before, leading to an expression of collective will or opinion. Unanimity cannot always be reached, but procedures which have ensured, and which have been seen to ensure, proper deliberation of an issue, will lead to acceptance and wider support of the outcome.

It may not always be possible to reconcile practice with theory, but in effect, good procedure is fair play and common sense built on a solid foundation of acknowledged principle. After all, the rules must not change in the middle of the game. Technical procedure should be discouraged in legislative bodies and to a greater degree, in ordinary parliamentary groups. Rules should be applied and interpreted so as to permit a majority to accomplish its ultimate purpose within a reasonable period of time, but only after allowing the minority reasonable opportunity to express its views on the question and issue.

Good citizenship is a habit of dealing with one's fellow citizens. It is the habit of giving one's best thoughts and efforts for the general welfare, but at the same time, being willing to consider the thoughts and efforts of others, and if need be, compromising with or submitting to the thoughts and efforts of the majority of one's fellow citizens.

This habit of participation in, compromising with, and submission to the will of the majority may be acquired only as other habits are acquired, by practice, and then more practice.

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3. PARLIAMENTARY LAW

Parliamentary Law should be used only to help, not to hinder business. One who is constantly raising points of order and insisting upon a strict observance of every rule in the peaceable assembly, in which most of the members are unfamiliar with these rules and customs, makes himself/herself a nuisance, hinders business and prejudices people against parliamentary law. Such person either does not understand its real purpose or else willfully misuses his/her knowledge. Most of the laws of parliamentary procedure flow naturally from and are a logical application of basic principles. Thus what appears at first glance to be a deadly routine of rule memorization is actually an example of applied reasoning.

(a) Things Must be Handled One at a Time

This principle means that any organization seeking to make decisions in accordance with parliamentary law will consider one and only one substantive issue at a time. It will not allow small groups to get off the subject and take digressions into other subjects of concern to the group. This principle also means that one and only one motion of any type is the immediately appending question. It must be disposed of in some way before anything else can be considered.

(b) All Members have Equal Rights, Responsibilities, Privileges and Obligations.

Notice that the principle is not that all members have equal abilities or equal influence, for all are unequal in physical ability, intelligence and experience. Some know a great deal of history; others have spectacular creative skills. Some members helped to form the organization and write its Bylaws; others joined just last week and know little or nothing of its background.

(c) The Will of the Majority Prevails.

Parliamentary law provides the machinery by which the organization finds out what most of the members want to do and makes their will the policy of the group, for the present. The phrase "the present" indicates that few policy decisions are permanent. Most organizations in our democratic society make their decisions according to the will of the majority as expressed in a vote at a particular time and place with certain members present and voting. At a different time and place, with other members present and voting, the decision might well be different. It is also true that groups and organizations change their minds

with the passing of time and after having experience in using a given policy.

(d) The Rights of the Minority must be Protected

During the debate on a proposed policy, the presiding officer may not be sure which side ultimately will win. A "minority" may not yet have been defined, but, even if the presiding officer knows what the result of the vote will be, and even if the decision is sure to be an overwhelming victory for one side, the rights of those who are to lose must be protected just as diligently as the rights of those who make up the majority. One of the those minority rights is the right to express dissent - to vote against the prevailing side on a counted vote and request the vote be recorded in the minutes.

(e) Every Member has the Right to Know what Motion is Before the Assembly and what affect that motion would have, if adopted

No one should be asked to vote out of ignorance. If the members are not conversive with parliamentary language, the meaning of a given motion and its affect should be explained clearly by the Chair. If the presiding officer does not carry out this duty, members may intravene and demand help.

(f) Meetings must be conducted with fairness and good faith

Presiding officers may be highly partisan in their personal beliefs, but those beliefs should not be allowed to interfere with their behaviour before the group. The authority of the presiding officer rests as much on acceptance by the entire membership as on the election by a faction thereof. In political bodies, complete realization of this principle is impossible. Members of all factions will appreciate the skills of a presiding officer who acts without fear or favour, who recognizes in debate both those who favour and those who oppose a point of view. The impartiality of the Chair is a well-established principle of parliamentary law.

4. THE OBJECT OF PARLIAMENTARY PROCEDURE

The-underlying object of parliamentary procedure is to establish and maintain conditions which will permit and free a fair exchange of viewpoint on issues regularly brought before the membership. It is imperative that the rules be precise and equitable and that they be even-handedly applied under the authority of one whose impartiality and understanding of this intent is beyond dispute.

5. PURPOSE OF MEETING

The purpose of any meeting is to ascertain the opinion of the body, as a group, upon some matter, to understand the question and make an intelligent decision, discussion is necessary. To ensure deliberation and orderly consideration, rules of order are followed.

6. MOTIONS

A motion is a proposal made by one member, in accordance with certain established rules, that the meeting do something or order something to be done, or press an opinion with regard to some matter or thing.

7. WHEN IS A MOTION A RESOLUTION

When a motion is carried, it becomes a resolution, or order of the meeting. The form of it must be so framed and its language so expressed that, if it meets the appropriation of the meeting, it may at once be recognized as a resolution.

8. SUBSTANTIVE MOTION

Motions which are self-contained proposals, not incidental to any proceeding, are amendable and drafted in such a way as to be capable of expressing a decision of the meeting (main motion).

9. PRIVILEGED MOTIONS

Motions which must not be mistaken for questions of privilege, deal with situations arising from the subject matter of, or the debate on, the original question either in consequence of a vote taken or in anticipation of a vote or through the necessity of restoring to new proceedings. They are given the right-of-way when proposed during a debate. A member cannot move to amend own motion. No member may move to amend his/her own motion. If he/she is not satisfied with it, he/she may try to withdraw it, which requires unanimous consent, or he/she may move that the meeting proceed to another matter of which notice has been given. He/she may also give reason why he/she has changed his/her mind and asked the meeting not to carry the motion in the form in which he/she introduced it, but either to amend or reject it.

10. RECONSIDERATION OF A MATTER OF PASSED MOTION

Reconsideration is accepted today as one of the inherent rights of private and public meetings. It is now so generally used that it may be considered as part of the law. When it is moved, no discussion of the main question is allowed and no action shall be taken thereon until the motion for reconsideration is carried. It is the general rule that a motion for reconsideration shall not be allowed unless a majority of the meeting agree to it, and that no question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

11. TOO LATE FOR RECONSIDERATION

Reconsideration should not be allowed after a resolution has been in force. The remedy in that case would be to amend the resolution, following thereby the practice of British parliament where statutes are sometimes amended in the session in which they were passed. There may be circumstances which would justify reconsideration at

the meeting at which the resolution was passed, and there may be reasons for resolutions to be reconsidered at the subsequent meeting. There cannot be any objection to reconsideration of a resolution at any time before action has been taken upon it.

12. VOTING ON THE QUESTION

Voting, called "dividing" in parliamentary bodies, is a means by which the acceptance or rejection of motions is accomplished. The joint will of an assembly is affected in accordance with the principle that the will of the majority is deemed to be the will of the whole. The practice of submitting a formulated question to obtain a decision is very ancient for it was followed by the Greeks and Romans. The principle that the majority rules was conceded in the Magna Carta is recognized a common law and it was sanctioned in the British North American Act.

13. CHAIRMAN'S VOTE

When the votes are equal at a meeting, the Chairman, who does not otherwise vote, gives a decisive vote, and in doing so, is guided by the same principle as the speaker of the house. If, in consequences, a revision of the votes, it is discovered that there was no occasion for such a vote but that the question was decided without it, the vote of the Chairman is not reckoned with, the others in the same side but disregarded altogether as if it had not been given.

14. ORIGIN OF MEETINGS,

Meetings have been held since time immemorial. The first meetings probably were of the family unit, then of the tribal council, and later bodies with a mandate to regulate or govern. During the long period of time since meetings began, many traditions were created, although most of the modern concept about proper conduct of meetings were derived from legislative assemblies. Conflicts over proper procedure, however, have long been tested in the courts so that a considerable body of common law on meetings has accumulated.

15. PURPOSE OF MEETINGS

Meetings may be held for one or a combination of the following reasons:

- (a) To solve problems and to reach decisions.
- (b) To give information.
- (c) To obtain information.

(d) To provide training or instruction.

If these purposes were required to be made more specific, they would break down into enumerable subdivisions. Possibly it could be said as a generalization though, that meetings are for the twin purpose of communication and decision-making. As far as communication is concerned, too often it appears to be assumed that the purpose of the meeting is to give information. An equally valid premise is that it is held to obtain information. The essence of the decision-making process is to obtain consensus of the members. To reach consensus, the members must be permitted to express opinions and viewpoints.

16. DEFAMATION

Defamation is a generic term for libel, slander and innuendo. Just as goodwill is a recognizable asset for enterprise, so too often the good name and reputation of the individual's precious possessions which the law protects. Halbury's laws of England describes defamation as "a statement which, if published of and concerning a person, is calculated to lower him in the estimation of right thinking men/women or cause him/her to be shunned or avoided or to expose him/her to hatred, content or ridicule, or to convey an imputation on him/her, disparaging an injurious to him/her in his/her office, profession, calling, trade or business."

17. LIBEL AND SLANDER

A simple way to distinguish between libel and slander is to recognize that the former is addressed to the eye and the latter to the ear. Libel usually is defamation in permanent form, such as a picture, statement or figure in effigy, or any form of libel in writing. Defamation could also be made to apply to skywriting, libel being to the eye and publication occurring even if transitory in form. Slander is transmitted by the spoken word or gesture.

18. PUBLIC LIBEL

Libel becomes misdemeanor (therefore a crime) when it is a danger to the public peace. Instead of proof to the third person, who is usually essential, it is only necessary to prove that publication to the plaintiff had occurred or to establish to the satisfaction of the prosecutor that publication had taken place. A public libel is one which is blasphemous, obscene or seditious and thereby tends to produce harmful consequences for society. Publication of libel of this type is a crime.

19. SLANDER

Contrary to the case of libel, slander is not actionable without proof of special damage, unless the slander imputes a crime, punishable by imprisonment, or disparagement of a person in his office, calling, trade or profession.

20. CONFLICT OF INTEREST

Public confidence in the impartiality, independence and integrity of the City Council is essential for proper administration of the City's affairs. The City, as a public body, requires that its Council carry out their duties so as to maintain public confidence, and that they do not participate in any private business or activity which could reasonably be believed to conflict with the Councilor's obligation to the City. There is no current legislation in the Province of British Columbia regarding conflict of interest for local government and members of Council. There is, however, the Provincial Public Financial Disclosure Statute which requires members of Council to file a disclosure of personally held assets two times per year. Council's Oath of Office stipulates that he or she will not, while holding office, have an interest directly or indirectly, in a contract of services connected with the municipality except as allowed under the Municipal Act, and will faithfully perform the duties of their office and will not allow any private interest to influence their conduct in public matters.

The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- a) Government decisions and policies be made through the proper channels of government structure;
- b) Public office not be used for personal gain; and
- c) The public have confidence in the integrity of its government.

Accordingly, it is the purpose of the following suggested guidelines of conduct to outline certain basic rules for members of Council so that they may ' carry out their duties ensuring quality of service to all, recognizing that the basic functions of the elected local government officials are, at all times, service to their community and the public. To further these objectives, certain ethical principles should govern the conduct of members of Council. in order that they shall maintain the highest standard of conduct in public office and faithfully discharge the duties of office without fear or favour.

Members of Council shall:

- i) Declare to the Council at the first opportunity their interest or known interest of any close relative, in any enterprise which proposes to transact business with the municipality; not vote on the matter; and should leave the place of the meeting while the subject is being discussed and voted on.
- ii) Declare to Council at the first opportunity their interest or the known interest of any close relatives, in any property which is subject to the rezoning proposal, development proposal, subdivision or any permit or other consideration within the municipality; not vote on the matter; and leave the place of meeting while the subject is being discussed and voted on.

- iii) Not use information designated "confidential" for the personal profit of themselves or any other person.
- iv) Not communicate information designated "confidential" to anyone not entitled to receive same.
- v) Not use their position to secure special privileges, favours or exemptions for themselves, or any other person.
- vi) Avoid any situation that could cause any person to believe that they may have brought bias or partiality to a question before Council.

Should a member of Council feel he/she has a pecuniary interest or is in any way in conflict of any matter before Council, he/she should publicly disclose this matter to the Chair and immediately excuse themselves from the Council Chamber and from voting upon any matter before Council. A simple rule of thumb for Council to use is that, if you have to ask the question - "Am I in conflict?" - you could very well be, and should therefore excuse yourself from any discussion.

21. GETTING MORE FROM MEETINGS

Before Meeting

(a) Generate alternatives

- i) Conference call
- ii) Postpone
- iii) Cancel
- iv) Send a representative

(b) Define Purpose Clearly (to analyze, decide, inform, and coordinate)

(c) Limit Attendance (only those needed should attend)

(d) Stagger Attendance (attend only for time needed to make contribution)

(e) Correct Time (strategic timing is info. available, people, etc.)

(f) Pick Right Place (remote to avoid interruptions; geographic accessibility).

(g) Send Advance Agenda and Information (no surprises, all prepared)

(h) Compute Costs per Minute (measure cost of starting late and topic discussion)

(i) Time Limit Agenda by Topic (apportion time in accordance with importance)

(j) Time Limit Meeting (establish and advise ending time)

During Meeting

k) Start on time (don't penalize those arriving on time and avoid latecomers by waiting for them)

l) Assign Time-Keeping and Minutes Responsibility

m) Hold "Stand-Up Meeting"

n) Start with and stick to Agenda (style of leadership for Chairman may vary depending upon purpose of meeting - to inform, generate training solutions or decide)

o) Prevent Interruptions (no phone calls or messages short of extreme emergencies)

p) Accomplished Purpose (restate conclusion, clarify assignments)

q) Evaluate Meeting (was advance information adequate; did meeting start on time; was agenda followed and purpose achieved within time allocation; were right people in attendance; was time wasted)

r) End on Time (respect plans of those who assumed meeting would end on time)

After Meeting

(s) Expedite Minutes concise minutes should include any decisions, those responsible and deadlines

(t) Follow-Up

i) progress reports

ii) execution of decisions

iii) take inventory of committees