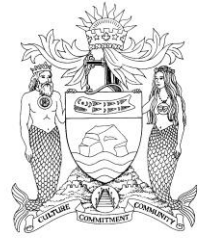


THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 20, 2021

TO: Governance and Legislation Committee

FROM: Tracey Arthur, Director, Corporate Administration

SUBJECT: Council and Committee Procedure Bylaw, 2021 No. 2393

RECOMMENDATION

THAT the Governance and Legislation Committee recommend Council endorse the new proposed Council and Committee Procedure Bylaw, 2021 No. 2393 as circulated.

EXECUTIVE SUMMARY

In accordance with the *Community Charter* Section 124, a Council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business. The City's legal firm reviewed the Council and Committee Procedure Bylaw, 2021 No. 2393 and their comments are included within the Bylaw where amendments have been proposed.

PREVIOUS COUNCIL DIRECTION

Not applicable.

INTRODUCTION/BACKGROUND

Council and Committee Procedure Bylaw, 2021 No. 2393 (Appendix A) proposes a new bylaw where much of the foundation remains however in a number of sections there are amendments (some are minor housekeeping items and others have proposed significant changes). Many have been suggested following a bylaw review by the City's legal firm. Consolidated Council and Committee Procedure Bylaw, 2015, No. 2232 has been included as Appendix B as a reference to what currently is in place.

The following table gives an outline of the significant proposed amendments to the previous bylaw:

Item	Section	Description	Note
Section 5 Time and Location of Meetings	5(c)	Amended to clarify earlier start times are decided by the Mayor or Deputy Mayor in their absence.	Legal noted this clarification is required, this is not to be done by staff.

Section 17 Electronic Participation of Meetings by Council and Committee Members	17	Amended to officially include Advisory Bodies / Committees, clarify process and procedure.	Enhanced procedure for electronic participation to help ensure the best meeting quality. This will allow, moving forward, electronic participation from both Council and Advisory Bodies / Committee Members when unable to physically attend a meeting.
Section 18 Full Electronic Participation of Meetings by Council Members in Extenuating Circumstances	18 (2)	Defined extenuating circumstances and advance notice when it is anticipated that there will be full electronic participation.	Impacts of Bill 10, 2021 as interpreted by Legal.
Section 22 Question and Answer Period	23 (5)	Removal of asking for the speakers address, instead only city of residence.	Legal noted concern with the City asking for an address when it is not required. Recent complaints to the OIPC have brought into question the validity of collecting the residential address of a speaker as a routine requirement, with informed consent being the issue, especially when published along with minutes on the municipal website. Due to this comment the city will go back to asking only for city of residence for Public Hearing participation as well.

Section 24 Delegations / Petitions	8	<p>Removal of previous additional requirements regarding petitions, language now reflects only what is in the <i>Community Charter</i>.</p> <p>Due to Privacy Concerns the Petitions will now be placed only on the Council Bulletin along with any staff action.</p> <p>The topic can be still brought forward by Council requesting for the topic to be raised at an upcoming meeting for discussion.</p>	<p>This was a circumstance that has come up since previous adoption of the Procedure Bylaw. The city was asking for more than what was required by the <i>Community Charter</i>.</p> <p>Note if information is not provided as noted Council will still be forwarded the submission from the public with the notation by staff.</p> <p>Legal noted concern with publishing full names and addresses for privacy reasons unless there is evidence of informed consent – not a city document so this cannot be checked.</p>
Section 31 Bringing Back Adopted Motions	31	Clarification on the terms reconsider and rescind.	Legal noted the terms were not clear.
Section 31 Bringing Back Adopted Motions	31 (4)	A motion to reconsider will now have a timeframe of 30 days from the meeting where the vote to adopt was made.	Legal noted typically there is a time limit. This is consistent with the time limits for notice of a court application to set aside a bylaw or resolution for illegality.
Section 31 Bringing Back Adopted Motions	31 (4 b)	Amended now only a Member who voted with the majority can bring back the item. Removal of the option for a Member to bring back an item, regardless of how they voted the first time.	Legal noted the purpose for this is to permit a Member of the majority to reflect on their decision and change their mind, this gives trust that once something is adopted it will be followed through on.

Section 31 Bringing Back Adopted Motions	31 (5)	Defined “postponed” to the next regular Council meeting if held within 30 days.	Legal Reviewed suggested to remove postponed to avoid uncertainty or modify with a timing (next meeting within 30 days).
Section 31 Bringing Back Adopted Motions	31 (7)	Removed possibility to rescind a bylaw or resolution more than once.	Legal noted most bylaws disallow more than one reconsideration of a subject matter.
32 Bringing Back Defeated Motions	32 (2)	Clarification reconsider only regarding defeated bylaws. For this section there will no longer be reference to rescind.	Legal noted the terms were not clear and confusing.
32 Bringing Back Defeated Motions	32 (4)	A defeated motion will now have a timeframe of 30 days following the meeting where the vote was taken. Only a Member who voted with the majority to defeat can bring the item back (member not in attendance at the vote cannot bring back the vote).	Legal suggested a time limit, to help with certainty. Only a Member who voted with the majority can change their mind to impact a vote. Also noted allowing a Member who did not attend the meeting weigh in at a subsequent meeting is unusual and not recommended due to increased uncertainty.
32 Bringing Back Defeated Motions	32 (6)	Removed possibility to reconsider a bylaw more than once.	Legal noted most bylaws disallow more than one reconsideration of a subject matter, promoting certainty.

34 Notice of Motion	34 (3)	<p>Added for clarification on practice taken by the city. That Council may consider a Notice of Motion received at the same meeting if there is an affirmative vote.</p> <p>Affirmative vote has been amended to 2/3 as opposed to majority given the purpose.</p>	<p>Incorporating practice into the bylaw with the exception that this would require a 2/3 vote.</p> <p>To ensure items brought up without previous notice have more than simple majority to consider due to there being no time to research.</p>
38 Rules of Public Hearings/Meetings	38 (3)	Added that the city address of a speaker will no longer be requested, only city of residence.	Legal noted concern with publishing full names and addresses for privacy reason unless there is evidence of informed consent, given the venue this would not be feasible.
48 Duties of Select Committees / Advisory Bodies	48 (3)	Amendment to reflect Members of Council now to Chair / Vice Chair Advisory Bodies.	Required update with the newly adopted Advisory Body Terms of Reference(s).
Previous 51 Duties of Select Committees / Advisory Bodies		Removal of this section as no longer required, Members of Council now sit as Chair and Vice Chair.	Required update with the newly adopted Advisory Body Terms of Reference(s).
52 Council Liaisons to Advisory Body / Outside Organizations	52	Noting functions expected when attending meetings as a Council Liaison.	Previously included in Section 51 being deleted, except for this portion added to Section 52.
52 Notice of Committee Meetings	52 (b)	Amendment to include the city website.	Noting actual process staff have been following.
55 Minutes of the Advisory Body / Committee Meetings	55	Action Based Minutes including Items Discussed,	Amendment to reflect Council's direction following consultant

		Resolutions that were Adopted, Action Items that were Directed and Recommendations Directed or Adopted by the Advisory Body.	review of City committees / Council ratified the recommendation March 2021.
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CONCLUSION

The proposed new Council and Committee Procedure Bylaw is presented for the Governance and Legislation Committee to review and consider. The current bylaw foundation is maintained by the proposed new bylaw noting that due to several housekeeping items along with some proposed significant changes prompted a new bylaw being brought forward for consideration rather than a further amending the current bylaw.

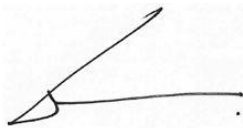
Respectfully submitted,



Tracey Arthur, Director of Corporate Administration

Comments from the Chief Administrative Officer

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Council and Committee Procedure Bylaw, 2021 No. 2393

Appendix B: Consolidated Council and Committee Procedure Bylaw, 2015, No. 2232