

City of Kelowna

Regular Council Meeting

AGENDA



Monday, May 6, 2019

9:30 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Confirmation of Minutes

2 - 4

Regular AM Meeting - April 29, 2019

3. Reports

3.1 Council Procedures Bylaw Review

60 m

5 - 30

To review the procedures found in Council Procedures Bylaw 9200.

4. Resolution Closing the Meeting to the Public

THAT this meeting be closed to the public pursuant to Section 90(1)(b)(c) of the Community Charter for Council to deal with matters relating to the following:

- Officer Appointment
- Labour Relations

5. Adjourn to Closed Session

6. Reconvene to Open Session

7. Issues Arising from Correspondence & Community Concerns

7.1 Mayor Basran, re: Issues Arising from Correspondence

30 m

8. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, April 29, 2019
 Location: Knox Mountain Meeting Room (#4A)
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given*, Brad Sieben*, Mohini Singh, Luke Stack, and Loyal Wooldridge

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham, Divisional Director, Community Planning & Development, Derek Edstrom*; Parks & Buildings Planning Manager, Robert Parlane*; Planner Specialist, David James*; Cultural Services Manager, Christine McWillis*; Legislative Coordinator, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:02 a.m.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R453/19/04/29 THAT the Minutes of the Regular AM Meeting of April 15, 2019 to be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Stack/Seconded By Councillor Wooldridge

R454/19/04/29 THAT this meeting be closed to the public pursuant to Section 90(1)(c)(f)(k) of the Community Charter for Council to deal with matters relating to the following:

- Labour Relations
- Law Enforcement
- Provision of Municipal Service

Carried

4. Adjourn to Closed Session

The meeting adjourned to a closed session at 9:03 a.m.

5. Reconvene to Open Session

The meeting reconvened to an open session at 10:46 a.m.

6. Reports

6.1 Public Art Program Update

Staff:

- Displayed a PowerPoint Presentation, re: Public Art Program 2019 Council Update.
- Displayed the process of Public Art Call-Outs and Public Art Consultant Recommendations.
- Displayed photos of new Public Art that is currently placed around the city including the Library Parkade; Karis Supportive House; and Public Art to be placed in the next year at the Police Services Building, the Interior Health Building and Boyce Gyro Beach.
- Recommending the Chief Swknc'ut Sculpture be placed near the Kelowna Visitor Centre as it is a high traffic area; installation to take place in May or June.
- Displayed a photo of the proposed Public Art entry Sign into Kelowna and read the artists interpretation of the art piece.
- The art piece was sole sourced as the Artist is very experienced with gateway projects and the work aligned with celebrating the community.
- Spoke to policy on private donation to formalize the process and to set out criteria and procedure.
- Confirmed the elevation of the whole installation of the Public Art entry Sign into Kelowna.
- Provided information on Public Art operating costs.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R455/19/04/29 THAT Council receives for information the Report from the Parks & Buildings Planning Manager, dated April 29, 2019, regarding recent updates to the City of Kelowna's Public Art Program;

AND THAT Council approve the proposed location for the Chief Swknc'ut Sculpture as outlined in the report of the Parks & Buildings Planning Manager, dated April 29, 2019;

AND FURTHER THAT Council directs staff to bring forward an Unsolicited Donation of Public Artwork Policy to Council for approval.

Carried

Moved By Councillor Sieben/Seconded By Councillor Singh

R456/19/04/29 THAT Council directs staff to report back prior to the Public Art entry Sign project proceeding.

Carried

Councillors Donn, Given and Stack - Opposed

7. Issues Arising from Correspondence & Community Concerns

7.1 Mayor Basran, re: Issues Arising from Correspondence

There were no issues arising.

8. Termination

The meeting was declared terminated at 12:13 p.m.

Mayor Basran

/acm

Kreedham

Deputy City Clerk

DRAFT

Report to Council



Date: May 06, 2019
File: 0600-10
To: City Manager
From: Deputy City Clerk
Subject: Council Procedures Bylaw Review

Recommendation:

THAT Council receive the report of the Deputy City Clerk, dated May 06, 2019, regarding a review of Council Procedures Bylaw No. 9200 for information;

AND THAT Council direct staff to prepare amendments to Council Procedures Bylaw 9200 for consideration at a future Regular PM meeting of Council.

Purpose:

To review the procedures found in Council Procedures Bylaw 9200.

Background:

The Council Procedures Bylaw was adopted by Council in 2005, and amended five times between 2005 and 2012. Recent amendments to the Bylaw included the ability for a member of Council to participate in a meeting electronically, increase time limits for recognized Neighbourhood Association presentations to Council at a Public Hearing, an agenda change to consider non-development bylaws immediately following the related report to Council, and an agenda order update to add previous draft minutes for confirmation at the beginning of each meeting.

The Procedures Bylaw is a requirement under the legislation to establish the general procedures to be followed by Council and Council committees in conducting their business. Although there are no limits to the matters that may be contained in the bylaw, Council must do the following by bylaw:

- Establish rules of procedure for both Council and Committee meetings;
- Provide for the taking of minutes of Council/Committee meetings;
- Provide for public notice of meetings, and establish the procedures for giving notice;
- Establish the procedure for designating a member to act in place of the Mayor;
- Establish the first regular Council meeting date following a general local election.

Council Procedures Review:

There are a number of areas in the procedures bylaw that have been identified for discussion with Council relating to legislative changes, a changing community with technology, culture and engagement, as well as best practices for meeting management. These include sections as noted below.

Part 2: Schedule and Notice of Council Meeting

- Schedule of meetings
 - 2.1 – inaugural meeting now held in November
- Notice of Regular Council Meetings and Public Hearing
 - 2.8 and 2.9 – review notice board posting location

Part 4: Public Attendance at Council Meetings

- Proceedings at Public Hearings
 - 4.11 – further clarify 'address' to be civic, street name, or jurisdiction

Part 5: Rules of Procedure at Council Meetings

- Agenda Preparation and Order of Proceedings
 - 5.4 – review order and items of meeting agendas
 - Clarify the practice of reading the full list of correspondence versus a summary

As well as the sections noted above, there are minor housekeeping amendments staff have been tracking as future amendments to the current bylaw (attached).

Next Steps:

Following Council discussion and direction, staff will prepare amendments to the Council Procedures Bylaw No.9200 for Council consideration at a future Regular PM Meeting.

Legal/Statutory Authority: *Community Charter s.124(1)*

Legal/Statutory Procedural Requirements: *Community Charter s.124(3)*

Existing Policy: Council Procedures Bylaw 9200

Considerations not applicable to this report:

Internal Circulation:

Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

Karen Needham, Deputy City Clerk

Approved for inclusion:



Doug Gilchrist, City Manager

CC:

Council Procedures

Bylaw No. 9200

City of Kelowna

Purpose of Bylaw 9200

- ▶ Required under the *Community Charter*
- ▶ Establishes general Council/Committee procedures
 - ▶ Good meeting management
 - ▶ Clarity for Council, public and staff
 - ▶ Must include things related to procedural rules and public notice



Proposed Amendments Bylaw 9200 - Legislative

- ▶ Must amend - Legislative
 - ▶ 2.1 Inaugural meeting date
 - ▶ 5.4 (c) Tuesday Regular Meeting – Council directed staff to include Oath of Office (been included in practice)

Proposed Amendments Bylaw 9200 - Review

- ▶ May amend – Recommended
 - ▶ Change posting of notice
 - ▶ from bulletin board to outside of Council Chamber; include web site
 - ▶ Clarify procedures related to:
 - ▶ Public Hearing – correspondence summary; ‘address’ to read civic, street, or jurisdiction or a combination thereof
 - ▶ Order of Proceedings – review items, order and form of agenda as presented

Council Procedures Bylaw No. 9200

Next Steps:

- ▶ Discussion & Questions
- ▶ Prepare bylaw amendments for Council
 - ▶ Regular PM meeting
 - ▶ 1, 2, 3 reading
- ▶ Provide public notice of the proposed amendments prior to adoption

SUMMARY:

The Council Procedure Bylaw sets out the regulations for scheduling and notification of Regular and Special Meetings and Public Hearings; outlines the designation of a member of Council to act in the place of the Mayor; the procedures for the public to follow at Council meetings; the rules of procedure (agenda preparation, quorum, voting, points of order, conduct and debate, motions, etc.). Furthermore, the Council Procedure Bylaw sets out the regulations of minutes, bylaws, resolutions, and council committees.

This bylaw is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

CITY OF KELOWNA
BYLAW NO. 9200
REVISED: May 7, 2012

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW NO. 9550, 9820, 10157, 10326 and 10649

Council Procedure Bylaw

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

PART 1 - INTERPRETATION

General

- 1.1 The provisions of this bylaw govern the proceedings of Council and all standing, select and other committees of Council, as applicable.
- 1.2 In cases not provided for under this bylaw, Council may determine the appropriate rules of procedure, or may follow The New Robert's Rules of Order, 2nd edition, 1998, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with the *Community Charter*.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 This bylaw may be cited for all purposes as City of Kelowna "Council Procedure Bylaw No. 9200".
- 1.7 City of Kelowna Council Bylaw No. 7906, together with all amendments to it, is hereby repealed.

Interpretation

BL10326 and BL10649 amended this section:

1.8 In this bylaw:

"City"	means the City of Kelowna
"City Clerk"	means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the City of Kelowna, or his or her lawful deputy
"City Hall"	means Kelowna City Hall located at 1435 Water Street, Kelowna, British Columbia
"City Manager"	means the individual appointed by Council as the City Manager or who holds the position of chief administrative officer of the City of Kelowna, or his or her lawful deputy
"Council"	means the municipal council of the City of Kelowna
"Deputy Mayor"	means the Councillor designated pursuant to section 3.1 of this bylaw for the applicable date
"Notice Board"	means the notice board at City Hall designated by the City Clerk for posting of legal notices and Council meeting information
"Other Committees"	means those Advisory, Boards, Task Force or other Committees appointed by Council."
"Public Notice Posting Place"	means the Notice Board

1.9 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Community Charter* or the *Local Government Act*, as applicable.

PART 2 - SCHEDULE AND NOTICE OF COUNCIL MEETINGS

Schedule of Meetings

- 2.1 An inaugural Council meeting shall be held on the first Monday in December following a general election of Council, unless a quorum of Council has not yet taken office in which case the inaugural Council meeting shall be called as soon as reasonably possible after a quorum has taken office.
- 2.2 (a) Regular Monday afternoon and Tuesday evening Council meetings, and public hearings, shall be held on the dates each year established by a resolution of Council prior to December 15th of the preceding year, unless Council passes a resolution to cancel a particular meeting.
- (b) Regular Monday morning Council meetings shall be held on the dates each year established by a resolution of Council prior to December 15th of the preceding year, unless Council passes a resolution to cancel a particular meeting or the City Manager determines that there is not sufficient business to be discussed to warrant the holding of a particular meeting.

- 2.3 Regular Monday afternoon Council meetings shall be scheduled to begin at 1:30 p.m. unless Council passes a resolution to change the time of a particular meeting

BL9550 amended section 2.4:

- 2.4 Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless Council passes a resolution to change the time of a particular hearing, and Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or if there is no public hearing, at 6:00 p.m.

Special Meetings

- 2.5 A special meeting of Council, which is any meeting other than a regular meeting scheduled pursuant to this Part or an adjourned meeting, may be called by the Mayor or by two members of Council in accordance with the provisions of the *Community Charter*.

BL10157 added the following:

- 2.5 (a) Committee of the Whole Meetings may be considered Special Meetings of Council and may be called or scheduled by Council resolution.
- (b) No decisions may be made at Committee of the Whole Meetings other than receiving reports for information and directing staff to review and report back with a recommendation at a future Council meeting.
- (c) Committee of the Whole meetings include, but are not restricted to, Governance and Policy, Neighbourhood, and Breakfast with Business meetings.

BL10157 added a new sub-section 2.6 Electronic Meetings and renumbered the sub-subsequent paragraphs:

2.6 Electronic Meetings

Provided the conditions set out in the *Community Charter* are met;

- A special council meeting may, upon authorization of the Mayor, be conducted by means of electronic or other communication facilities.
- A member of Council who is unable to attend at a council meeting, may, upon authorization of the Mayor, participate in the meeting by means of electronic or other communication facilities.
- The member presiding at a council meeting must not participate electronically.

Location of Council Meetings and Public Hearings

- 2.7 All Council meetings and public hearings shall take place within City Hall unless Council passes a resolution to hold a particular meeting elsewhere.

Notice of Regular Council Meetings and Public Hearings

- 2.8 The annual schedule of regular Council meetings, established pursuant to subsections 2.2(a) and (b) of this bylaw, shall be available to the public through posting on the Notice Board, and notice of the availability of the schedule shall be advertised by January 15th in each year in accordance with the public notice provisions set out in the *Community Charter*.

BL10326 amended sub-section 2.9:

- 2.9 At least forty-eight (48) hours before a regular Council meeting or public hearing the City Clerk must give notice of the meeting or hearing agenda, including confirmation of the time, place, and date, by:

- (a) posting the agenda on the Notice Board at City Hall;
- (b) leaving copies of the agenda at a public counter at City Hall for distribution to members of the public as requested; and
- (c) providing a paper or electronic copy to each member of Council.

- 2.10 The Office of the City Clerk shall also endeavour to post agendas on the City's internet web site.

Notice of Special Council Meetings

- 2.11 At least 24 hours before a special Council meeting the City Clerk must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for agendas in section 2.8 of this bylaw.
- 2.12 Each copy of a notice of a special Council meeting must be signed by the Mayor or the City Clerk.
- 2.13 Notwithstanding sections 2.10 and 2.11, notice of a special Council meeting may be waived by unanimous vote of all Council members.

PART 3 - DESIGNATION OF A MEMBER TO ACT IN PLACE OF THE MAYOR

- 3.1 At least once during each term of Council, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant.

BL10649 amended Section 3.2:

- 3.2 Each Councillor designated under section 3.1 of this bylaw must fulfill the responsibilities of the Mayor in his or her absence, and shall have the same powers and duties as the Mayor during a period of service as Deputy Mayor.

BL10649 amended Section 3.3:

- 3.3 If both the Mayor and the member designated under section 3.1 are absent or otherwise unable to act, the member who is next on the rotation shall be the Deputy Mayor.

PART 4 - PUBLIC ATTENDANCE AT COUNCIL MEETINGS

BL10326 replaced in its entirety PART 4 - PUBLIC ATTENDANCE AT COUNCIL MEETINGS:

Meetings to be Open to the Public

- 4.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter*, all meetings of Council shall be open to the public.

Visitors and Delegations to Council

- 4.2 A person, other than a Council member or an officer or employee of the City, shall only address Council during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if Council has passed a resolution to hear from that person at that time.

Public in Attendance Presentations to Council (General)

- 4.3 A person who is not an officer or employee of the City, who wishes to have a report or presentation scheduled to a Council meeting agenda, shall request the same through the Office of the City Clerk and include:
- (a) the name(s) of the person(s) who would be making the report or presentation if approved (referred to as a "delegation"), and
 - (b) a copy of the report or presentation in written form. The written submission must clearly state any requests being made of Council and any recommended Council resolutions.
- 4.4 Requests dealing with a matter that is outside the jurisdiction of the City of Kelowna shall be refused.
- 4.5 So long as a request deals with a matter that is within the jurisdiction of the City Kelowna, and is received in accordance with section 4.3 of this bylaw, the Office of the City Clerk shall handle such a request by recommending to the City Manager one or more of the following actions:
- (a) that the request be referred to the appropriate City staff member or department, if the request is operational in nature;
 - (b) that the person(s) making the request be encouraged to contact members of Council directly with the concerns raised;
 - (c) that the request be referred to a Council committee or advisory body; or
 - (d) that the request be granted and the delegation be scheduled to the next available meeting agenda.
- 4.6 A person who is not an officer or employee of the City shall be limited to 10 (ten) minutes to make his or her presentation to Council, but may be asked to take additional time to respond to any questions from Council and may include additional information if necessary in the copy of the report or presentation submitted to the Office of the City Clerk prior to agenda preparation for the relevant meeting.

Proceedings at Regular Meetings (morning)

- 4.7 Written correspondence addressed to Council which is related to a special community request, may be placed on the agenda under 'Issues Arising from Correspondence & Community Concerns' following the request of a member of Council.
- (a) Written correspondence addressed to Council which relates to matters that fall within the scope of responsibility of a particular City department will be referred directly to the Director of that department by the City Manager.

Proceedings at Regular Meetings (afternoon)

- 4.8 The following person(s) shall be permitted the opportunity to make a presentation to Council, to a maximum of five (5) minutes, to express their views regarding an application under consideration by Council on a Regular Monday meeting agenda:
- (a) the owner or applicant, or their representative, whose Land Use development application has received a negative recommendation by staff, or
- (b) any tenant(s) or their representative who deem their interest to be affected by a multiple housing strata conversion application.

Proceedings at Committee of the Whole Meetings

- 4.9 A delegation may be invited by Council to appear at a Committee of the Whole Meeting to speak to an agenda item, with a presentation time limit set by Council.
- 4.10 Public input may be permitted on an item scheduled to an open Committee of the Whole agenda, to a maximum of five (5) minutes per person, group, organization, body or delegation. Public input is not permitted on any items not on the Committee of the Whole agenda.

Proceedings at Public Hearings

- 4.11 All persons with an interest in the proposed bylaw which is the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name and address, and the name and address of the person or body they represent (if applicable).
- 4.12 The City Clerk shall make available to each member of Council before the public hearing a copy of any correspondence pertaining to the subject of the public hearing that has been received after the date of required statutory notification of the public hearing. All correspondence or information received prior to that date shall be available through the Land Use Management Department.
- 4.13 The Mayor or presiding member shall only entertain submissions that are germane to the purpose of the proposed bylaw under discussion.

- 4.14 Presentations by an owner or applicant shall be limited to a maximum of fifteen (15) minutes. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing, and if possible electronically, to the Office of the City Clerk by 12:00 pm (noon) on the Wednesday preceding the public hearing so that the information can be copied to Council as part of the agenda package.
- 4.15 Presentations by members of the public shall be limited to a maximum of five (5) minutes each. If a person has additional information that he is unable to provide within that time frame, he shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in section 4.11 of this bylaw, speakers shall be encouraged to confine their comments to new information.

BL10649 amended Sub-Section 4.16:

- 4.16 Presentations by representatives of Resident Associations shall be limited to a maximum of ten (10) minutes each. If a person has additional information that he is unable to provide within that time frame, he shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in section 4.11 of this bylaw, speakers shall be encouraged to confine their comments to new information.

BL10649 amended Sub-Section 4.17:

- 4.17 The owner or applicant shall be given an opportunity limited to responding to comments or questions raised during the public hearing only before the hearing is closed on their application. The response shall be limited to a maximum of ten (10) minutes.

BL10649 added Sub-Section 4.18:

- 4.18 Notwithstanding time limits for presentations set out in sections 4.14, 4.15, 4.16 and 4.17 of this bylaw, Council may ask questions of any presenter and of staff for clarification purposes. Debate on the bylaw shall take place at a regular meeting of Council following the public hearing when the bylaw is presented for reading consideration.

PART 5 - RULES OF PROCEDURE AT COUNCIL MEETINGS

Agenda Preparation and Order of Proceedings

- 5.1 Prior to each meeting of Council the City Clerk shall prepare an agenda for approval by the City Manager of all items to be considered by Council at the meeting

BL10326 amended sub-section 5.2:

- 5.2 All items or reports for the agenda of a meeting of Council, other than a special Council meeting, must be delivered to the City Clerk prior to 12:00 pm (noon) on the Wednesday preceding a Monday or Tuesday meeting. Any item not delivered complete and in an agenda-ready format by that deadline shall be held to the next meeting of Council, unless approved as a late item by the City Manager.
- 5.3 A late item may be approved for addition to an agenda by the City Manager, or by resolution of Council, if the subject matter is of an urgent nature such that the item cannot be held to the next meeting of Council.

BLBL9820, BL10157, BL10326 and BL10649 amended sub-section 5.4:

5.4 The agendas for all regular and special Council meetings shall contain the following matters where there are items pertaining to them, and in the order in which they are listed:

(a) Monday Regular Meeting (morning)

- Call to Order
- Issues Arising From Correspondence & Community Concerns
- Reports
- Resolution to approve those items on the agenda proposed for a closed meeting pursuant to the *Community Charter* and to close the meeting to the public
- Closed session
- Termination

(b) Monday Regular Meeting (afternoon)

- Call to Order
- Confirmation of Minutes
- Public in Attendance
- Committee Reports
- Unfinished business
- Development application reports
- Bylaws for Adoption (zoning and development related)
- Non-development application reports
- Bylaws for Adoption (other than zoning and development related)
- Resolutions
- Mayor and Councillor Items
- Termination

(c) Tuesday Regular Meeting (following Public Hearing, if applicable)

- Call to order
- Prayer
- Confirmation of minutes
- Bylaws considered at public hearing
- Liquor license application reports
- Development permit, development variance permit and Provincial Referral Reports
- Reports
- Resolutions
- Reminders
- Termination

(d) Public Hearing

- Reading or summarizing the notice of public hearing
- Staff presentation
- Summarizing any correspondence received in relation to the item being heard
- Presentation by owner or applicant
- Call for any person to speak or to present a written submission in relation to the item being heard
- Applicant to respond to concerns raised by speakers or Council
- Termination

(e) Committee of the Whole Meeting

- Call to Order
- Unfinished Business
- Public Input/Staff presentation
- Resolution to approve those items on the agenda proposed for a closed meeting to the Community Charter and to close the meeting to the public
- Closed session
- Termination

5.4 No Council meeting or public hearing may start or continue past 11:00 p.m. unless Council passes a resolution to start or continue that meeting past that time.

5.5 Council may proceed with an item of business at a regular Council meeting in the absence of the Council member in whose name the business is listed on the agenda only if that member has given written permission for another member to proceed with that business.

BL10326 amended sub-section 5.7:

5.6 During the agenda item “Mayor and Councillor Items” members of Council may make motions, introduce new business, pose inquiries and make suggestions upon being recognized by the presiding member. Items of new business which are not included in the agenda and are of a complex nature or that may affect existing City bylaws or policies shall be introduced as a “Notice of Motion” for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature may be accepted as verbal reports from any member of Council. Members of Council who request that a letter of appreciation be sent on behalf of the Council shall be responsible for preparing a draft of the letter for signature by the Mayor.

Quorum

5.7 As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the chair and call the meeting to order. Where the Mayor is absent, the Council member designated in accordance with this bylaw to act in the Mayor’s place for that meeting must take the chair and call the meeting to order.

BL10326 amended sub-section 5.9:

- 5.8 If a quorum of Council is present, but neither the Mayor nor the Council member designated in accordance with this bylaw to act in the Mayor's place for that meeting is present within fifteen (15) minutes of the time specified for the Council meeting, the City Clerk shall call the meeting to order and the members of Council present shall choose one among them to preside at the meeting.

BL10326 amended sub-section 5.10:

- 5.9 If there is no quorum of Council present within fifteen (15) minutes of the time specified for the Council meeting, the City Clerk shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

- 5.10 If a Council member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, he shall conduct himself in accordance with the law, including with the provisions of the *Community Charter*.
- 5.11 When debate on a matter is closed and Council is ready to vote, the presiding member must put the matter to a vote by asking who is in favour of the question, and then who is opposed.
- 5.12 Voting shall be by show of hands or by electronic vote, if facilities are so provided, and a member of Council shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 5.13 After the presiding member has finally put the question to a vote, a member of Council shall not speak to the question or make a motion concerning it. The presiding member's decision as to whether a question has been finally put is conclusive.
- 5.14 Should the votes on a question, other than an appeal of a decision of the presiding member on a point of order, be equal for and against, the motion is defeated.
- 5.15 The presiding member must declare the result of the voting by stating whether the motion is carried or is defeated.

Points of Order

- 5.16 Without limiting the presiding member's duty pursuant to section 132(1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this bylaw; and
 - (b) whether or not another Council member has raised a point of order in connection with the motion.

- 5.17 When the presiding member is required to decide a point of order:
- (a) the presiding member must cite the applicable rule or authority if requested by another Council member, and another member shall not question or comment on the rule or authority cited by the presiding member; or
 - (b) the presiding member may reserve the decision until the next Council meeting.
- 5.18 A member of Council may appeal the decision of the presiding member in accordance with section 132 of the *Community Charter*.

Conduct and Debate at Meetings

- 5.19 A member shall speak at a Council meeting only after being recognized by the presiding member, except to raise a point of order.

BL10649 amended Sub-Section 5.20:

- 5.20 Members shall address other members of Council by their title and their surname, as applicable (for example, Mayor _____ or Deputy Mayor _____ or Councillor _____).
- 5.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 5.22 A member of Council may require the question being debated at a Council meeting to be voted upon at any time during the debate so long as this does not interrupt another member who is speaking.
- 5.23 Members of Council may be limited to speaking once only in connection with a single question, by the presiding member, except to reply to debate on a substantive motion which the member has made.
- 5.24 Despite section 4.1 of this bylaw, the Mayor or presiding member at a Council meeting may expel and exclude from any Council meeting a person, including another Council member, which the Mayor or presiding member considers is engaging in inappropriate conduct.

Motions Generally

- 5.25 Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.

5.26 The following motions are not amendable nor debatable:

- (a) to table the main motion;
- (b) to defer the main motion, either indefinitely or to a specified time;
- (c) to move the previous question; or
- (d) to adjourn.

5.27 Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

Amendments Generally

5.28 A Council member may without notice move to amend a motion that is being considered at a Council meeting.

5.29 A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.

5.30 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote, unless there is a call for the main question.

5.31 An amendment may be amended once only.

5.32 A motion to amend that has been defeated by a vote of Council cannot be proposed again.

Reconsideration

5.33 The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with section 131 of the *Community Charter*.

BL10326 amended sub-section 5.35:

5.34 Council may, within one (1) month of a Council decision, consider a motion to reconsider a matter, and if adopted, the same terms and conditions as set out in section 131 of the *Community Charter* apply as if the Mayor had required the reconsideration.

5.35 A vote to reconsider a matter, whether affirmative or negative, must not be reconsidered.

Privilege

- 5.36 In this section, a matter of privilege refers to any of the following motions:
- (a) to fix the time to adjourn;
 - (b) to adjourn;
 - (c) to recess;
 - (d) to raise a question of privilege of Council; and
 - (e) to raise a question of privilege of a member of Council.
- 5.37 A matter of privilege must be immediately considered when it arises at a Council meeting.
- 5.38 For the purposes of section 5.38, a matter of privilege listed in section 5.37 has precedence over those matters listed after it.

PART 6 - MINUTES

- 6.1 Minutes of the proceedings of Council must be legibly recorded, certified as correct by the City Clerk, and signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- 6.2 Subject to section 6.3 of this bylaw, the minutes of the proceedings of Council must be open for public inspection at City Hall during regular office hours.
- 6.3 Section 6.2 of this bylaw does not apply to minutes of a Council meeting, or part of a meeting, from which persons were excluded pursuant to section 4.1 of this bylaw.

PART 7 - BYLAWS

Copies of Proposed Bylaws to Council Members

- 7.1 A proposed bylaw may be introduced at a Council meeting only if a true copy of it has been made available to each Council member and the City Manager prior to the Council meeting, or if all Council members unanimously agree to waive this requirement.

Form of Proposed Bylaws

- 7.2 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into sections.

Reading Consideration of Proposed Bylaws

- 7.3 Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
 - (b) jointly with other proposed bylaws in the sequence determined by the presiding member

- 7.4 The presiding member of a Council meeting may read, or have the City Clerk read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be read.
- 7.5 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- 7.6 Each reading of a proposed bylaw must receive the affirmative vote of a majority of Council members present, unless the *Community Charter* or the *Local Government Act* requires otherwise.

Bylaws must be Signed

- 7.7 After a bylaw is adopted and signed by the City Clerk and the presiding member of the Council meeting at which it was adopted, the City Clerk must have it placed in the City's records for safekeeping and endorse upon it:
 - (a) the City's corporate seal, and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

PART 8 - RESOLUTIONS

Copies of Proposed Resolutions to Council Members

- 8.1 A proposed resolution may be introduced at a Council meeting only if a true copy of it has been made available to each Council member and the City Manager prior to the Council meeting, or if all Council members unanimously agree to waive this requirement.

Form of Proposed Resolutions

- 8.2 A resolution must be printed and have a distinguishing number.

Consideration of Proposed Resolutions

- 8.3 The presiding member of a Council meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced.

PART 9 - COUNCIL COMMITTEES

Establishment of Committees

- 9.1 The Mayor or Council, may establish standing or select committees of Council, respectively, in accordance with the provisions of the *Community Charter*.
- 9.2 Council may establish other committees in accordance with the provisions of the *Community Charter*.

Duties of Standing Committees

- 9.3 Standing Committees must consider, inquire into, report on, and make recommendations to Council about any of the following:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- 9.4 Standing Committees must report and make recommendations to Council as required by Council or the Mayor.

Duties of Select Committees

- 9.5 Select Committees must consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council.
- 9.6 Select Committees must report and make recommendations to Council as soon as possible, unless a date and time is established by Council.

Duties of Other Committees

BL10326 amended sub-section 9.7:

- 9.7 **Other Committees** must consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council as defined by the Terms of Reference for that Committee.
- 9.8 **Other Committees** must report and make recommendations to Council at least annually as specified by the Terms of Reference or at the request of Council.

Location and Schedule of Committee Meetings

BL10326 amended sub-section 9.9:

- 9.9 Standing, select and other committees shall establish the location of their meetings by motion, with priority being given to holding meetings within City Hall whenever possible.

- 9.10 At the first meeting after its appointment, a standing, select or other committee shall establish a regular schedule of meetings.
- 9.11 The chair of a standing, select or other committee may call a meeting in addition to the scheduled meetings or may cancel a meeting.

Notice of Committee Meetings

- 9.12 After a committee has established a regular schedule of meetings, including times, dates and places, notice of the schedule shall be given to each member of the committee.

BL10326 and BL10649 amended sub-section 9.13:

- 9.13 At least three (3) days before a regularly scheduled committee meeting, or at least one (1) day before an additionally scheduled committee meeting, public notice must be given of the time, place, and date of the meeting by way of a notice posted on the Notice Board at City Hall and posted on the City of Kelowna's website.

BL10326 amended sub-section 9.14:

- 9.14 At least three (3) days before a committee meeting, a copy of the agenda for the meeting must be delivered to each member of the committee.

Attendance non-Committee Members at Committee Meetings

BL10326 replaced Attendance non-Committee Members at Committee Meetings

- 9.15 Council members who are not members of a committee may attend the meetings of the committee.
- 9.16 Unless a meeting or part of a meeting of a committee is authorized to be closed to the public by the *Community Charter*, all meetings of committees shall be open to the public.
- 9.17 A person, other than a Committee member or an officer or employee of the City, shall only address the committee during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the committee has passed a motion to hear from that person at that time.

Minutes of Committee Meetings

- 9.18 Minutes of the proceedings of a committee meeting must be legibly recorded, signed by the chair or presiding member of the meeting, and open for public inspection in accordance with the requirements of the *Community Charter*.
- 9.19 Section 9.17 of this bylaw does not apply to minutes of a committee meeting, or part of a meeting, from which persons were excluded pursuant to section 9.16 of this bylaw.

Quorum

- 9.20 Unless otherwise stated in the terms of reference of the committee as adopted by Council, the quorum for a committee is a majority of all of its members.

BL10326 added a new sub-section 9.21:

- 9.21 If there is no quorum of Committee present within fifteen (15) minutes of the time specified for the Committee meeting, the Committee Recording Secretary shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Conduct and Debate

- 9.22 A motion made at a meeting of a Council committee is not required to be seconded.
- 9.23 Council members who are attending a meeting of a Council committee of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee.
- 9.24 Council members who are attending a meeting of a Council committee of which they are not a member must not vote on a question.
- 9.25 Section 5.11 of this bylaw applies to a Council member's conduct and debate at a committee meeting, in the same manner as it does in relation to a Council meeting.

Read a first, second and third time by the Municipal Council this 19th day of March, 2004.

Adopted by the Municipal Council of the City of Kelowna this 19th day of April, 2004.

"Walter Gray"

Mayor

"Stephen Fleming"

Deputy City Clerk