

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, December 5, 2022

10:00 am

Council Chamber

City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Confirmation of Minutes** 2 - 4
Regular AM Meeting - November 28, 2022
3. **Reports**
 - 3.1 **Council Procedure Bylaw 9200 Workshop** 60 m 5 - 37
To review and forward updates to Council Procedure Bylaw 9200
4. **Resolution Closing the Meeting to the Public**

THAT this meeting be closed to the public pursuant to Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

 - Confidential Information from the Province
5. **Adjourn to Closed Session**
6. **Reconvene to Open Session**
7. **Issues Arising from Correspondence & Community Concerns**
8. **Termination**



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Monday, November 28, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Members participating Remotely	Councillor Gord Lovegrove
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Financial Services, Joel Shaw*; Asset Manager, Joline McFarlane*; Divisional Director, Partnership & Investments, Derek Edstrom*; Divisional Director, Active Living & Culture, Jim Gabriel*; General Manager, Infrastructure, Mac Logan*; Information Services Director, Jazz Pabla*; Fire Chief, Travis Whiting*; Parks & Buildings Planning Manager, Robert Parlane*; Utility Services Manager, Kevin Van Vliet*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland*

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 9:00 a.m.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0830/22/11/28 THAT the Minutes of the Regular AM Meeting of November 21, 2022 be confirmed as circulated.

Carried

3. Reports

3.1 Capital Plan Overview

Staff:

- Displayed a PowerPoint Presentation.

- Provided an overview of the 10 Year Capital Plan and noted that it is updated annually to respond to changing conditions.
- Spoke to major Priority 1 projects for each of the 12 identified cost centres.
- Provided information on the Infrastructure Deficit; noted the unfunded portion of Priority 2 projects that have been tracked since 2018.
- Displayed a graph outlining the Capital Planning Cycle and spoke to Council's input and review of the Plan during the cycle.
- Identified where the 10 Year Capital Plan can be found on the City website.
- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Webber

Ro831/22/11/28 THAT Council receives, for information, the report from Financial Services dated November 28th, 2022, with respect to the 10-Year Capital Plan Overview.

Carried

The meeting recessed at 9:51 a.m.

The meeting reconvened at 9:59 a.m.

3.2 KCC - Redevelopment of PRC

Staff:

- Displayed a PowerPoint Presentation.
- Provided history of the Parkinson Recreation Centre and the reasons for redeveloping the aging facility.
- Displayed photographs of recreation facilities in other cities.
- Spoke to optimizing amenities and programs in light of being fiscally responsible and providing accountability.
- Spoke to cultivating partnerships with School District 23 on adjacent property and facilitating collaboration with other partners who share values and objectives.
- Provided comments pertaining to sustainability
- Identified the process undertaken to date.
- Displayed a video and spoke to community engagement and data examined to date.
- Provided an overview of the proposed people focused amenities.
- Provided information on the conceptual design and displayed site layout sketch.
- Spoke to transportation within the site as well as pedestrian, bike and public transit connections and onsite parking.
- Provided comments on how different aspects of the facility could complement each other through design and sustainability with a zero carbon building LEED Gold ambition.
- Spoke to next steps
- Responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

Ro832/22/11/28 THAT Council receives, for information, this project update from Parks and Building Planning for the Kelowna Community Campus (KCC) project at Parkinson Recreation Park;

AND THAT Council directs staff to prepare a Council study trip for any Council member of similar facilities to the Lower Mainland;

AND THAT Council direct staff to undertake no further activity on this project until Council has undertaken a recreation priority workshop.

Defeated

Mayor Dyas, Councillors DeHart, Singh, Stack, Webber and Wooldridge - Opposed

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro833/22/11/28 THAT Council receives, for information, this project update from Parks and Building Planning for the Kelowna Community Campus (KCC) project at Parkinson Recreation Park;

AND THAT Council directs staff to prepare a Council study trip for any newly elected members of Council or members of Council who have not gone before of similar facilities to the Lower Mainland.

Carried
Councillors Cannan and Lovegrove - Opposed

The meeting recessed at 11:48 a.m.

The meeting reconvened at 11:53 a.m.

4. Resolution Closing the Meeting to the Public

Moved By Councillor Hodge/Seconded By Councillor Stack

Ro834/22/11/28 THAT this meeting be closed to the public pursuant to Section 90(1)(g) and Section 90(2)(b) of the Community Charter for Council to deal with matters relating to the following:

- Litigation
- Confidential Information from the Province

Carried

5. Adjourn to Closed Session

The meeting adjourned to a closed session at 11:53 a.m.

6. Reconvene to Open Session

The meeting reconvened to an open session at 12:16 p.m.

7. Issues Arising from Correspondence & Community Concerns

7.1 Councillor Singh, re: Miller Road

Councillor Singh:

- Spoke to the dispute between the neighbours.

8. Termination

The meeting was declared terminated at 12:18 p.m.

Mayor Dyas

sf/acm



City Clerk

Report to Council



Date: December 5, 2022
To: Council
From: City Manager
Subject: Council Procedure Bylaw 9200
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from Office of the City Clerk dated October 5, 2022 regarding Council Procedure Bylaw 9200.

Purpose:

To provide an overview of Council Procedure Bylaw 9200 and identify sections for amendment

Background:

A council procedure bylaw established the general procedures to be followed by council and council committees in conducting their business. Council Procedure Bylaw 9200 was adopted in 2004, following the Community Charter legislation coming into force, and has been amended seven times since it was adopted.

Discussion:

A “best practice” is for a newly-elected Council to review their Council Procedure Bylaw early in their Council term. During Council orientation, Council members raised questions or concerns with some of the meeting practices addressed in Council Procedure Bylaw 9200. Specific areas of discussion included:

- Timing of Council and Public Hearing agendas being made available to Council and the public.
 - Recommendation: Monday agenda availability be advanced to Wednesday and public hearing agendas be advanced by one week
- Delegations and public participation during Council meetings.
 - Recommendation: Staff prepare a discussion paper on options for Council to consider prior to making any specific amendments
- Public Hearing start and end times
 - Recommendation: Tuesday meetings start at 3 pm and end by 9 pm
- Potential duplication of having both “Issues Arising” and “Councillor Items” on Monday meeting agendas
 - Recommendation: Continue with “Councillor Items” only

- Focus on business before Council
 - Recommendation: Add language to Bylaw to ensure Council members discuss and debate the topic at hand

Council Policy

Electronic Council Meetings – Council Policy No. 337 was adopted in 2021 after changes in provincial legislation provided Council an option to have electronic meetings and electronic participation. The Policy establishes policy guidelines for Council and Council committee member electronic participation and no amendments are recommended.

Conclusion:

The Council Procedure Bylaw 9200 Workshop is an opportunity for Council to look at how Council meetings are conducted and propose amendments to the Bylaw.

Internal Circulation:

City Manager

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter section 124 requires a council to have a procedure bylaw.

Legal/Statutory Procedural Requirements:

Public notice must be provided prior to Council amending a Council Procedure Bylaw.

Existing Policy:

Electronic Council Meetings – Council Policy No. 337

Considerations not applicable to this report:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by:

Stephen Fleming

City Clerk

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: October 18, 2021

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW NO. 9550, 9820, 10157, 10326, 10649, 11849 and 12283**

Council Procedure Bylaw

BL11849 amended “he”, “she”, “his”, “her”, “Land Use Management Department” and “a true copy” throughout the 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 their 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 their 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

BL11849 amended sub-section 2.1:

- 2.1 An inaugural Council meeting shall be held on the first Monday in November 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, BL12283 amended section 2.4:

- 2.4 Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless the agenda volume requires a start time of 4:00 p.m. or Council passes a resolution to change the time of a particular hearing. Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or, if there is no public hearing, in the manner provided for public hearings. The City Clerk will set hearing and meeting start times in accordance with this bylaw.

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.

BL12283 amended Section 2.6

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

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

A special council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.

A regular Council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.

A member of Council who is unable to attend at a council meeting, may, participate in the meeting by means of electronic or other communication facilities.

The member presiding at a council meeting must not participate electronically unless the meeting is conducted by means of electronic or other communication facilities.

BL12283 amended Section 2.7

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 or the meeting is conducted by means of electronic or other communication facilities.
- (a) For meetings that are conducted by means of electronic or other communication facilities, the City Clerk will designate a location for the public to hear, or watch and hear, the meeting proceedings. A designated municipal officer must be in attendance at that location.

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, BL11849 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:
- (b) posting the agenda on the Notice Board at City Hall;
- (c) leaving copies of the agenda at a public counter at City Hall for distribution to members of the public as requested;
- (d) providing a paper or electronic copy to each member of Council and
- (e) posting agendas on the City's internet website.

BL11849 deleted sub-section 2.10:

2.10 [deleted]

BL12283 amended section 2.11

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 2.9 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.

BL11849 amended sub-section 2.13:

- 2.13 Notwithstanding sections 2.11 and 2.12, notice of a special Council meeting may be waived by unanimous vote of all Council members.

BL12283 added sub-section 2.14

- 2.14 For a meeting conducted by means of electronic or other communication facilities, the City Clerk must give notice, in the same manner as provided for agendas in section 2.9 of this bylaw for a regular Council meeting or in the same manner as provided for agendas in sections 2.11 through 2.13 of this bylaw for a special Council meeting, of:
- a. the meeting agenda, including confirmation of the time and date;
 - b. the way in which the meeting is to be conducted; and
 - c. the place where the public may attend to hear, or watch and hear, the proceedings.

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 their 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 their 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 all 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)

BL11849 amended sub-section 4.8:

- 4.8 The following person(s) shall be permitted the opportunity to make a presentation to Council 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 will have a maximum of fifteen (15) minutes to express their views, or
 - (b) any tenant(s) or their representative who deem their interest to be affected by

a multiple housing strata conversion application will have a maximum of five (5) minutes to express their views.

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 Planning and Development Services Division.
- 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 they are unable to provide within that time frame, they 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, BL11849 amended Sub-Section 4.16:

4.16 [deleted]

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.

BL12283 added Sub-Section 4.19:

4.19 Owners, applicants, and members of the public may participate in the public hearing by means of electronic or other communication facilities.

BL12283 added Sub-Section 4.20:

4.20 Persons who are authorized to present at a Council meeting and who are unable to attend at City Hall may participate in the meeting by means of electronic or other communication facilities.

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, BL11849 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 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.

BL9820, BL10157, BL10326, BL10649, BL11849 and BL12283 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
- Confirmation of Minutes
- Reports
- Resolution closing meeting to the public pursuant to the *Community Charter*
- Closed session
 - Convene Closed Session
 - Confirmation of Minutes
 - Reports
 - Issues Arising from Correspondence & Community Concerns

- Reconvene to Open Session
- Issues Arising from Correspondence & Community Concerns
- Termination

(b) Monday Regular Meeting (afternoon)

- Call to Order
- Territorial Acknowledgement
- 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
- Reaffirmation of Oath of Office
- Confirmation of minutes
- Bylaws considered at public hearing
- Liquor license application reports
 - Summary of correspondence received (number and type)
- Development permit, development variance permit and Provincial Referral Reports
 - Summary of correspondence received (number and type)
- Reports
- Resolutions
- Reminders
- Termination

(d) Public Hearing and Regular Hearing

- Call to Order public hearing
- Territorial Acknowledgement
- Staff presentation
- Presentation by owner or applicant
- Call for any person to speak in relation to the item being heard
- Owner or Applicant to respond to concerns raised by speakers or Council

- Termination of Public Hearing
- (e) Committee of the Whole Meeting
- Call to Order
 - Confirmation of the Minutes
 - Resolution closing the meeting to the public pursuant to the Community Charter
 - Closed Session
 - Convene Closed Session
 - Confirmation of Minutes
 - Reports
 - Issues Arising from Correspondence & Community Concerns
 - Reconvene to Opens Session
 - Termination
 - Call to order regular meeting
 - Bylaws considered at public hearing
 - Termination of regular meeting

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, BL11849 amended sub-section 5.6:

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 as follows:

(a) Notice of Motion: new business of a complex nature that may affect existing City bylaws or policies that will be placed on an agenda for a future meeting.

(b) Other Items: new business which is not of a complex nature will be accepted as verbal reports from any member of Council.

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 they are 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, they shall conduct themselves 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.

BL12283 amended sub-section 5.12

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. A member of Council participating by means of electronic or other communication facilities shall vote by show of hand with video facilities, by electronic vote, if facilities are so provided, or verbally with audio facilities.

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

BL11849 amended sub-section 7.1:

- 7.1 A proposed bylaw may be introduced at a Council meeting only if a 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

BL11849 amended sub-section 8.1:

- 8.1 A proposed resolution may be introduced at a Council meeting only if a 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

BL11849 amended sub-section 9.3:

- 9.3 Standing Committees are established by the Mayor, for matters considered best dealt with by committee:
- At least half of the members must be Councillors appointed by the Mayor
 - Duties will be defined by a terms of reference established by the Mayor for that committee

BL11849 deleted sub-section 9.4:

9.4 [deleted]

Duties of Select Committees

BL11849 amended sub-section 9.5:

- 9.5 Select Committees are established by Council to consider or inquire into a matter and report their findings and recommendations back to Council:
- At least one member must be a member of Council
 - The duration, duties and reporting requirements will be defined by a terms of reference established by Council for that committee.

BL11849 deleted sub-section 9.5:

9.6 [deleted]

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.

BL11849 deleted sub-section 9.8:

9.8 [deleted]

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

BL11849 deleted sub-section 9.12:

9.12 [deleted]

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

BL11849 deleted sub-section 9.15:

9.15 [deleted]

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*.

BL11849 amended sub-section 9.19:

9.19 Section 9.18 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.

BL11849 amended sub-section 9.25

9.25 Section 5.10 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.

BL12283 added sub-section 9.26 & 9.27

Electronic Committee Meetings

9.26 Committee meetings may be conducted by means of electronic or other communication facilities and committee members may participate by means of electronic or other communication facilities in accordance with sections 2.6, 4.20, and 5.12 of this bylaw.

9.27 For a meeting conducted by means of electronic or other communication facilities, public notice will be given in the same manner as provided for agendas in section 9.13 of this bylaw of:

- (a) the meeting time and date; and
- (b) the way in which the meeting is to be conducted.

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



City of Kelowna
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Council Policy

Electronic Council Meetings

ESTABLISHED: October 4, 2021

Contact Department: Office of the City Clerk

Guiding Principle

Electronic meetings and electronic participation in meetings offer flexibility and accessibility for Council, committees, and the public to engage in City business when in-person access is not possible. Electronic meetings and participation should reflect in-person meetings as closely as possible to maintain openness, transparency, and accountability.

Council Procedure Bylaw No. 9200, as amended or replaced from time to time, establishes circumstances and procedures for electronic meetings and electronic participation. This policy provides additional guidance on electronic meetings and participation for members of Council, committees, and the public.

Purpose

To establish guidance for electronic Council and committee meetings and public hearings, and for electronic participation in Council and committee meetings and public hearings.

Application

Electronic meeting: Meeting where all members of Council or a committee participate electronically.

Electronic participation: Remote attendance by an individual member or members of Council, a committee, or the public, when authorized, in a meeting that is otherwise conducted in-person.

This policy applies to Council and committee members participating electronically in a Council or committee meeting. It also applies to members of the public participating electronically when authorized by Council Procedure Bylaw No. 9200.

Policy Statements

1. Council and committee members are expected to attend meetings in-person whenever possible.
 - a) In extenuating circumstances, Council and committee members may participate electronically in meetings. Such circumstances may include, but are not limited to, illness, injury, or out of town travel.
 - b) Electronic participation by Council or committee members is permitted without Mayor or Chair authorization, respectively, for up to two consecutive meetings. The Mayor or Chair, respectively, will decide on requests to continue with electronic participation beyond that.
 - c) The Community Charter recognizes that Council members may be absent from meetings from time to time. Attendance at all meetings is neither required nor expected and Council members may be absent for various professional and personal reasons.
2. Electronic participation should reflect in-person participation as closely as possible.
 - a) Meeting participants must be able to hear each other and should be able to watch and hear each other whenever possible.
 - b) Participation by Council and committee members is expected for the entire meeting, unless a member declares a conflict of interest in accordance with the Community Charter and Council Procedure Bylaw No. 9200, as amended or replaced from time to time.
3. Electronic meetings and electronic participation must meet the requirements of confidentiality in the Community Charter and the requirements for protection of privacy in the Freedom of Information and Protection of Privacy Act.
 - a) Anyone participating electronically in a meeting that is closed to the public must be able to maintain confidentiality.
 - b) Anyone participating electronically in a meeting where personal information is being discussed must be located in Canada.

Amendments

Resolution: Rog18/21/10/04



City of
Kelowna

Council Procedure Bylaw Workshop

December 2022

Council Procedure Bylaw

- ▶ Required under the *Community Charter*
- ▶ Applies to Council and to Council committees
- ▶ Sets out how meetings are to be conducted
- ▶ Adopted in 2004, amended seven times since
- ▶ Workshop is in response to questions and comments that were raised during Council orientation

Council Procedure Bylaw

- ▶ Focus today is on meeting procedures
- ▶ Current bylaw is in place until Council amends it
- ▶ Public Notice requirement prior to adoption of any amendments
- ▶ Other Council policies that are not meeting specific will come forward in 2023

What We Heard

- ▶ Timing of Council and Public Hearing Agendas being made available to Council and the public;
- ▶ Delegations and public participation during Council meetings;
- ▶ Public Hearing start and end times;
- ▶ “Issues Arising” and “Councillor Items”
- ▶ Focus on business before Council

What We Heard – Agenda Timing

- ▶ Currently Monday Agendas available on City website and eScribe Thursday afternoon
- ▶ Public Hearing/Tuesday Agendas available on City website and eScribe two weeks before meeting

Recommendation:

Monday meeting agendas be made available a day earlier

Public hearing/Tuesday agendas be made available three weeks before the meeting

What We Heard - Delegations

- ▶ Opportunities for delegations and public participation during Council meetings are limited
- ▶ Current practice addressed in Bylaw sections 4.1 – 4.6

Recommendation:

Staff prepare a discussion paper with options for Council to consider prior to making any specific amendments

What We Heard – Public Hearing start/end times

- ▶ Currently, Public Hearing/Tuesday meetings start at 6pm or 4 pm
- ▶ Resolution required to continue past 11 pm
- ▶ Meetings can be too long and continue too late into the evening

Recommendation:

Public Hearing/Tuesday meeting start at 3:00pm and end by 9 pm

What We Heard - Streamline Business

- ▶ Duplication of “Issues Arising” and “Councillor Items”
- ▶ “Issues arising” part of Monday morning agenda; “Councillor Items” on an afternoon agenda

Recommendation:

Continue with “Councillor Items” only; amend language to make clear what can be raised and how under this agenda item

What We Heard - Streamline Business

- ▶ Focus on business before Council
- ▶ Make sure Council is focused on the specific item before them

Recommendation:

Add language to Bylaw to ensure Council members discuss and debate the topic at hand

Next Steps

Staff will bring an amending bylaw to an afternoon Council meeting based on direction received from Council

Public Notice will be provided prior to the adoption of any of the amendments



Questions?

For more information, visit kelowna.ca.