

# Motion Sickness

and how to avoid it

Making Meetings Work  
Local Government Leadership Academy  
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## What we'll talk about this morning

- Rules, rules, rules – where do they come from?
- Motions, their various forms, and how to make them
- The role of the chair
- Disqualification – when **not** to vote
- The role of the Rules of Order
- The high road, and how to take it

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## Rules, rules, rules

- Local governments are creatures of the province, according to the Canadian Constitution
- As such, they exist by enactment of the provincial government
- The Province tells you what you can and cannot do, in two enactments:
  - The Community Charter, for municipalities
  - The Local Government Act, for regional districts

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### The Community Charter

- Division 2 of Part 5 of the *Charter* lays out the general rules:
  - Council can act only by resolution or bylaw
  - A majority of members present at a meeting decides the fate of motions (except in specific circumstances)
  - If a member does not indicate a preference for or against, the member is deemed to have voted in the affirmative
  - Each member present at the meeting **must vote** – no abstaining!
  - Because a majority vote is required to decide a motion, a tie vote defeats the motion
  - The quorum for a meeting is established by the Charter

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### The Community Charter (2)

- A number of other provisions of Division 2, Part 5:
  - Two types of meetings, regular and special
  - Don't miss too many meetings or go away on a three-month holiday without getting the OK from Council – you may be disqualified
  - Pursuant to your procedures bylaw, a member of Council may participate in a meeting electronically
  - The Mayor may request reconsideration of a matter decided by Council (subject to certain conditions in S. 131)
  - A person – including a member – may be expelled from a meeting if the chair considers they are acting inappropriately

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### Council Procedure Bylaw

- Section 124 states that Council must establish its procedures in a bylaw (i.e. your Procedures Bylaw):
  - Establish rules for how meetings of Council and its committees will be run
  - How resolutions and bylaws may be passed
  - Provide for the taking and certification of minutes
  - Provide for public notice of meetings
  - Establish rules for designating the Acting Mayor
  - The time of the first meeting of Council after a local general election

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### Closed Meetings

- The *Charter* specifies that all meetings of Council and its committees must be open to the public (s.89)
- S.90 delineates 15 discretionary exceptions:
  - Generally land, legal and labor issues, but obviously it's not that simple
- Also spells out 5 mandatory exceptions
  - Generally covers dealings with the Provincial Government
- Procedure bylaw will specify how to close a meeting

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### The Local Government Act

- The LGA generally governs regional district boards
- A few exceptions:
  - Election rules are spelled out in Part 3 of the LGA
  - Land use planning and regulation are governed by Parts 26 and 27
- Most provisions echo the Charter
  - RD boards must enact a procedure bylaw
  - Conflict of interest and closed meeting rules reference the *Charter*
- It's easier for municipal members to function at RDs if the rules are generally the same

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### Bylaws and resolutions

- Section 122 of the *Charter* provides that councils (boards) may act only by bylaw or resolution
- If an enactment says council must act by bylaw for a certain issue, a resolution of Council is not sufficient
- Bylaws are enactments that require four readings
- They regulate the behavior of the public at large
- Resolutions generally provide direction to staff

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### Conduct and debate

- Every procedure bylaw will contain a section specifying how Council will conduct itself and debate
- This section will instruct Council on important issues:
  - All questions and comments must be directed to the Chair
  - How members will address each other and members of staff
  - Who gets to speak and when
  - Use of respectful language during meetings and the consequences of being disrespectful
  - Will specify whether or not motions require a seconder, and in what situations

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### Motions generally

- Motions are the mechanism by which the wishes of Council are decided
- There are several types of motions:
  - Main motion – a motion that first brings an item before Council
  - Subsidiary motion – a motion to table a motion to later in the meeting; to postpone a motion to a later date and time; to amend a motion; or to call the question on the motion under discussion
  - Amending motion – a motion seeking to change the main motion
- Generally, a motion must be seconded

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### Motions generally (2)

- After a motion is made and seconded, your procedure bylaw governs debate
- Some motions are not debatable:
  - A motion to table (delay to later in the meeting) or to raise a motion from the table
  - A motion to postpone indefinitely, or to a specific date and time
  - A motion to call the question
- A council can always move to suspend the rules and debate one of the above motions

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### Amending a motion

- A member of Council is entitled to amend a motion without providing notice of motion
- Motions to amend can be amended – but only once
- An amended main motion can be amended further
- Friendly amendments: *please*, don't
  - An amending motion allows the council to keep track of the language that's on the table during the meeting
  - A motion to amend provides clarity when viewed in the minutes, and friendly amendments can't be reflected adequately

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### Conflict and disqualification

- The *Charter* devotes 14 sections to discussion of conflict of interest and disqualification
- Generally, a member of Council can be disqualified if voting on an issue in which he/she has:
  - A pecuniary (monetary) interest
  - A non-pecuniary interest
  - An issue on which a reasonable person might reasonably think a member might have a bias

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### Conflict and disqualification (2)

- A member must declare the conflict
- It is the judgment of the member as to whether or not a conflict exists
- If a member declares a conflict, the member must seek legal advice if the member wishes to return to the discussion
- Before the issue arises at a meeting, it's OK to ask for help – it's **not** OK to ask during a meeting

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### The role of members of Council

- Section 115 of the *Charter* lays out the following requirements for members of Council:
  - To consider the well-being and interests of the municipality and its community
  - To contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities
  - To participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed
  - To carry out other duties assigned by the Council
  - To carry out other duties assigned by (the Charter) or any other act

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### The role of the Mayor

- The *Charter* designates the Mayor as the chief executive officer of the municipal corporation (S.116)
- It also stipulates that the Mayor must preside at Council meetings when in attendance
- That said, the Mayor is a member of Council, must abide by the rules that apply to other members, and has just one vote at meetings
- The Mayor votes on each issue and votes only once

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### The role of the Chair

- The Chair has certain specific roles during a meeting:
  - Calling the meeting to order
  - Making sure the agenda is followed as adopted
  - Recognizing members wishing to speak and allowing them to do so
  - Maintaining order during debates and deciding points of order
  - Tracking the motions on the floor to ensure the will of the Council is expressed accurately
  - Calling the question on each motion

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## The role of the Chair (2)

- S.132 of the *Charter* states:  
 'The Mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise . . . '
- Your council procedure bylaw will have further instructions for the Chair

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## Making meetings work

- While it's the role of the Chair to maintain order at a meeting, it's the role of each member to govern their own conduct
- Nobody gives the chair a whip and chair, a cattle prod or a conducted electronic device
- The rules of order, whether Robert's or anyone else's, are not a sword and shield to help people overcome obstacles

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## Making meetings work – three keys

- Constructive decision-making is more about relationships than it is about adherence to rules
- There are three keys to functional, productive meetings:
  - Being thoughtful
  - Being respectful
  - Being prepared
- Everyone has a limited amount of 'political capital'

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**Suggestion # 1**

**Don't get married to 'the rules'**

- Take it from the expert

- Eli Mina, a registered professional parliamentarian, makes a living working with organizations and helping them make their meetings run better
- He won't be shy about telling you that meetings can be hijacked by members insisting on 'points of order'

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**Suggestion # 2**

**When you make a motion, make it clear and write it down**

- One of the biggest mistakes people make at meetings is saying 'I move that' at the end of a long, complex discussion
- Your recording secretary will look up with deer-in-headlights eyes wondering, 'you move *what?*'
- If you have your motion written down, you can always bring the discussion back to where you want it to be – sometimes discussions wander and you can rescue the debate
- Plus, your clerk and recording secretary will love you, especially if it's a complicated, multi-part motion in response to the discussion

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**Suggestion # 3**

**Amend motions carefully**

- Be wary of the law of unintended consequences
- There is a deep, deep pool of hot water you can sink into if amendments are not well thought-out
- Don't use amendments to negative the main motion. It's better to defeat a motion than try to reverse the intent of a motion with an amendment

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**Suggestion # 4**  
**Conserve your political capital**

- It's easy to spend but difficult to regain
- Bear the following in mind:
  - It's considered bad form to try to table a debate that's not going your way, or to negative a motion with an amendment
  - You don't have to speak to every issue – all Councils feel their meetings are too long
  - Sometimes that's because there's too much work to do, but mostly it's because everyone feels they have to weigh in on everything
  - It's better to make insightful comments when needed

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**Suggestion # 5**  
**Don't be afraid to rely on your staff**

- If you have a report for Council, bring it forward in a notice of motion
  - Ask your clerk or CAO to help formulate the motion
- If a debate prompts a new idea, wait for debate to finish on the previous issue
- Sometimes it's best to ask staff for a report on your idea than to make a motion on the fly

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**Suggestion # 6**  
**Read your agenda package**

- Please don't be 'that guy' – the one that shows up at a meeting, tears open his package and starts reading
- Everything in your agenda package is important to someone – that's easy to forget
- Making a thoughtful decision requires preparation, and that's what your constituents expected when they voted for you

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**Suggestion # 7**

**Don't succumb to pressure tactics**

- No one can predict the future, but you can bet the farm that, during a public meeting, you will be asked for money by someone representing a good cause
- The best way to deal with this is to refer the request to staff
  - There might be a better way for the group to get their funding
  - You might not have the money or staff to make a donation

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**Suggestion # 8**

**Public hearings call for special care**

- Public hearings are governed by strict rules about notice, fairness and timeliness
- Council's role is to hear from both proponents and opponents, and then make a decision
- Public hearings are not the right time to:
  - Enter into a debate with either side, or with the applicant
  - Apply pressure on the applicant to modify the proposal

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**Suggestion # 9**

**Take the high road**

- There's less traffic, and the view is way better from up there
- Ignoring personal insults will earn you respect
- Focusing on issues rather than personalities is the best way to make a decision
- 'If you wrestle with a pig, you'll both get dirty but the pig will enjoy himself'

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## Suggestion # 10

### Remember why you ran for Council

- You wanted to serve your community
- It's not about you, it's about who you serve – all the residents of the community, not just your constituency
- A respectful and thoughtful approach will defuse unnecessary conflict
- People need to be heard, so you have to listen

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## So, to conclude:

1. Be thoughtful
2. Be respectful
3. Be prepared

Like any human endeavor, successful councils operate primarily on trust, so take a risk and trust your colleagues and your staff – it will pay off

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## Questions?

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