



CITY OF
PRINCE GEORGE

**LGLA 2015 ELECTED OFFICIALS SEMINAR
for NCLGA COMMUNITIES**

Making Meetings Work
Meeting Procedures 101: the rules of the road

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Hierarchy of Authority

1. *Community Charter and Local Government Act*
2. Procedure Bylaw
3. Parliamentary Rules of Order (e.g. Robert's Rules of Order, Bourinot's Rules of Order)

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Local Governments are Continuing Bodies

Despite a change in its membership, the [council of a municipality / board of a regional district] is a continuing body and may complete any proceedings started but not completed before the change.

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Powers must be exercised at a Meeting

An act or proceeding of a [municipal council/ regional district board] is not valid unless it is authorized or adopted by bylaw or resolution at a [council/board] meeting.

Resolutions vs. Bylaws

- Councils and regional district boards make decisions by bylaw or resolutions
- Bylaws are passed when the legislation requires that form of decision
- In all other situations where a decision is made by a municipal council or a regional district board, it may be in the form of a resolution

Resolutions

- A resolution is a motion that has been voted on and passed by majority vote
- Resolutions only require one meeting to pass

Bylaws

- A bylaw is a document that formalizes a regulation made by a local government council or board
- Bylaws must have three readings and final adoption
- First, second and third readings, all by resolution, may occur at one meeting (except where a public hearing is required) and adoption occurs at a second meeting

What constitutes a Meeting?

- Public notice of meeting is required
- Quorum (majority of members) must be present at all times
- Meeting must be called to order at notified time or later
- Discussing a matter that materially moves it along the decision making process

What constitutes a Quorum?

- If city or district of more than 50,000 people - 9 council members (Quorum = 5)
- If city or district of 50,000 or less people - 7 council members (Quorum = 4)
- If town or village - 5 council members (Quorum = 3)

Regular Meetings

- Inaugural Meeting - first regular meeting set by the Procedure Bylaw within the first 10 days of December following an election
- Then, must be scheduled regularly in accordance with the Procedure Bylaw
- Regular meeting agenda format and sequence of business items usually set out in Procedure Bylaw

Special Meetings

- A meeting that is not on the regular meeting schedule
- The mayor/chair or any two councillors/directors may call a special meeting
- Special meetings must be for a specified purpose
- Special notice requirements apply to special meetings

Open Meetings

- The default meeting format as per *Community Charter*
- All meetings are open to the public unless there is reason to close the meeting to the public.

Closed Meetings

- Legal purposes for going “in-camera” are set out in *Community Charter* s. 90.
- 15 subject matters that *may* be considered in a closed meeting.
- 4 subject matters that *must* be considered in a closed meeting.

Closed Meetings (cont'd)

- Most common closed meeting subjects:
 - ✓ **Land** acquisition, disposition or expropriation
 - ✓ **Labour** or employee relations
 - ✓ **Legal** advice, including litigation affecting the local government
- Meeting must be closed by resolution
- A bylaw may not be read or adopted in a closed meeting

Electronic Meetings

- Authorized by *Community Charter* for municipal councils and *Local Government Act* regulation for regional district boards
- Facilities must enable the meeting's participants to hear, or watch and hear, each other
- Must be authorized by Procedure Bylaw

**Informal Variance Application Hearings
(e.g. development variance permit)**

- No statutory right to be heard by persons receiving or viewing required notices
- But courts may infer that such a right exists, given the requirement to deliver notices, so local governments commonly provide for an informal hearing process

**Formal Public Hearings
(e.g. OCP and Zoning Bylaws)**

- Statutory right to be heard
- Must be held after first reading of the bylaw and before third reading
- May or may not be embedded in a regular meeting agenda

Formal Public Hearings (cont'd)

- Purpose of the hearing is to allow the public to make representations to the local government respecting matters contained in the proposed bylaw
- All persons who believe that their interest in property is affected may speak or present written submission

Public Hearings Require Special Care

- Procedural minefield – frequently attacked in litigation
- Hearing must be fair
- No debating during a public hearing
- No further representations to Council/Board after public hearing is closed

Public Hearing Format Example:

1. Information from Administration:
 - Corporate Officer reads list of staff reports and correspondence for the record
 - Director of Planning introduces application
2. Applicant speaks
3. Members of the public speak

Public Hearing Format Example (cont'd)

4. Council/Board may ask questions of staff, applicant and public as appropriate
5. Closure of hearing
6. Third reading of bylaw considered (if appropriate)

Rules of Conduct and Debate

- Local governments must have a Procedure Bylaw that establishes rules for:
 - ✓ How meetings will be run
 - ✓ How resolutions and bylaws may be passed
 - ✓ How minutes are to be prepared
 - ✓ Notices for meetings
 - ✓ Designating acting mayors

Mayor/Chair presides over the Meeting

- Mayor/Chair must preside at meetings at which they are present and must preserve order and decide points of order that may arise
- All questions and comments should be directed through the Chair
- Mayor/Chair should have a solid grasp of meeting procedures outlined in the Procedure Bylaw and ask the Corporate Officer for procedural advice when necessary

Mayor/Chair (cont'd)

- Mayor/Chair manages the agenda, monitors available time, and ensures that Council/Board members participate in a constructive, respectful and businesslike manner
- Ensures all Council members have an equal opportunity to speak on issues
- Intervenes if a Council/Board member or member of the public behaves in an inappropriate manner

Motions

- Motions are the mechanism by which the wishes of Council/Board are brought forward for decision
- A motion is a formal proposal by a member that the Council/Board take certain action, by stating "I move that ..."
- A motion must be seconded before it may be placed on the floor for discussion

Handling a Motion – 6 Steps

1. One member makes the motion
2. Another member seconds the motion
3. The presiding member (chair) states the motion
4. The members debate the question (Procedure Bylaw governs the conduct of debate of motions)
5. The presiding member puts the question to a vote
6. The presiding member announces the results of the vote

Two general types of motions

1. Main motion – brings the business to Council/Board
2. Secondary motions – made while the main motion is pending
 - ✓ to table a motion to a later time in the meeting
 - ✓ to postpone a motion to a later date and time
 - ✓ to put the main motion to a vote
 - ✓ to postpone a motion indefinitely
 - ✓ to refer the motion to committee or staff for information/advice
 - ✓ to amend a motion

Amending a Motion

- To modify the wording of the pending motion
- Make a motion to amend by:
 - ✓ Inserting or adding certain words;
 - ✓ Striking out (deleting) certain words; or
 - ✓ Striking out certain words and inserting other words (substituting)
- Don't do "friendly" amendments

Voting Procedures

- The majority vote of the members present at a meeting decide the question on a motion (subject to exceptions requiring 2/3 or a unanimous vote)
- A tie vote defeats the motion
- Each member present at a meeting must vote – no abstaining!

Voting Procedures (cont'd)

- You are assumed to have voted in favour of the motion unless you indicate your opposition by raising your hand when the Mayor/Chair asks for "those opposed"
- The Mayor/Chair votes as a member of the elected body and does not break ties
- The Mayor/Chair may request reconsideration of a matter decided by the Council/Board, subject to time limitations.

Disqualification from Voting

- The *Community Charter* sets out specific restrictions on voting on a matter if an elected official has a conflict of interest

Disqualification from Voting

- Generally, a member is not entitled to participate in the discussion or the vote on a matter if the member has:
 - a direct or indirect pecuniary (monetary) interest; or
 - another interest (e.g. family, friendship) that constitutes a conflict of interest

Disqualification from Voting

- At the meeting, before the matter comes up for discussion, the member must declare they are in conflict and state in general terms the reason why

Disqualification from Voting (cont'd)

- After making a declaration of a conflict, the member must:
 - Not remain or attend at any part of the meeting during which the matter is under consideration,
 - Not participate in any discussion of the matter at such a meeting,

Disqualification from Voting (cont'd)

- Not vote on a question in respect of the matter at such a meeting, or
- Not attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

Making Meetings Work:

- Be prepared - read the agenda materials
- Check in with your CAO before the meeting if you have questions arising out of a staff report
- Make clear motions - write the motion down if it is not within the recommendations or alternatives in a staff report
- Be aware of your tone and body language


