



The Corporation of the City of Courtenay

# Staff Report

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**To:** Council  
**From:** Manager of Legislative Services  
**Subject:** Procedure Bylaw Amendments

**File No.:** 3900-2730  
**Date:** February 28, 2024

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**PURPOSE:** To propose amendments to the Council Procedure Bylaw No. 2730, 2013.

## **BACKGROUND and DISCUSSION:**

Council amended its Council Procedure Bylaw No. 2730 in July 2023 as follows:

1. Set the standard meeting type as hybrid (in person and electronic) and permit electronic participation in all meetings in accordance with the Community Charter.
2. Delegate to the City Manager the authority to change the meeting type from hybrid to electronic in circumstances that pose a risk to the meeting participants.
3. Change the process for setting the annual council meeting schedule, requiring an annual meeting schedule to be adopted by Council prior to the December 31st of the preceding year.
4. Update the meeting location section and permit meetings at the CVRD administrative building and Courtenay City Hall, and alternative locations within City boundaries.
5. Authorize the Corporate Officer, in consultation with the Mayor and City Manager to amend the start time of a Regular Council meeting to accommodate the closed portion of the meeting prior to the open portion of the meeting, and cancel or establish a different day, time or place for the meeting without council resolution.
6. Remove the prescribed order of the agenda to accommodate any items of interest to Council in consultation with the Mayor and City Manager.
7. Update the public notice posting place to reflect current meeting locations.
8. Amend gendered language to be inclusive and non-binary.
9. Add a section identifying a procedure for notices of motion where notice is provided in writing and read aloud at a preceding meeting for consideration at the next regular meeting unless council resolves to consider the motion without notice.
10. Identify ineligible delegations.
11. Change the adjournment time from 12:00 a.m. to 9 p.m.
12. Update language generally to clarify procedures without changing the procedure or its intent.

Most of the amendments were general updates or aimed at increasing meeting flexibility, while maintaining transparency of decision making. The updated bylaw has been in effect for 7 months, and staff have identified five further amendments for Council's consideration:

1. Remove 13(10), "A motion resulting from a Delegation must be made by way of a notice of motion."  
This will also result in the removal of "delegation" from item 35.1(1).

First, staff have noted Council's preference to consider most delegation requests at the meeting after the delegation appears, but this process is not currently permitted under the Procedure Bylaw. If Council removes s. 13(10) from the bylaw, staff will add the delegation's request to "Unfinished Business" at the next regular Council meeting, pending any other developments. To ensure appropriate communication back to

delegations on Council's decision in response to any request, Council may upon consideration of unfinished business provide direction to staff, including but not limited to:

- Referral to staff for report
  - Denial of the request and notification to the delegation (may include information about appropriate jurisdiction e.g. Province, CVRD etc.)
  - Defer consideration of the request to a specific meeting
2. Remove 32(3), (4), and (5).

This second proposed amendment is to remove limits within the Bylaw to what Council can do procedurally when a main motion is on the floor. When Provincial legislation and the Procedure Bylaw are silent, Robert's Rules of Order (RRO) applies. The provisions in s. 32 (3), (4), and (5) limit what Council can do further than RRO. For example, under RRO Council could make a subsidiary motion to limit debate. It also suggests that most privileged or incidental motions would not be permitted, such as recess, division of the motion, suspending the rules, etc. If Council removes these sections, then RRO would apply, which is more consistent to other bodies and will provide more options and clarity to what can happen when a main motion is under consideration.

This is similar to the third proposed amendment, which would remove limits within the bylaw about what motions can be debated.

3. Remove section 29.

For example, the bylaw currently says that first readings of bylaws cannot be debated. Staff recommend removing this section so that RRO would apply.

4. Amend s. 20(6) to read "Before third reading, Council may amend, strike out or add clauses". The current section is incorrect about when Council can make amendments.

The fourth proposed amendment is to amend section 20(6). It currently reads, "After either second or third reading, Council may amend, strike out or add clauses". This is incorrect, as it is procedurally inappropriate to make any changes to a bylaw after third reading. The *Community Charter* s. 135 requires that bylaws receive three readings prior to adoption, and requires that there be at least one clear day between third reading and adoption. One of the reasons for requiring three readings, and requiring the pause between third reading and adoption, is to foster transparency in government. If amendments are permitted after third reading, then a bylaw can be adopted immediately following amendments, and before members of the public can possibly be aware of what is contained in the bylaw. Staff recommend changing this to "Before third reading, Council may amend, strike out or add clauses".

5. Amend s. 9 to add a new section 9 (6) (d): "When participating electronically, members must make best efforts to participate using facilities that enable participants and the public to clearly watch and hear the member's participation."

The final proposed amendment is to clarify the use of video during electronic meetings, or during electronic participation in meetings. Section 9 of the Procedure Bylaw states that,

"A member of Council or a Committee who is unable to attend in person at a regular Council meeting, a special meeting of Council or a Committee meeting may participate in the meeting by means of electronic or other communication facilities...the facilities must enable the meeting's participants to

hear, or watch and hear, the participation of the member of Council...the facilities must enable the public to hear, or watch and hear, the participation of the member of Council or a Committee.”

Due to “show of hands” voting, desire for transparency and public trust, and clear communication between meeting participants, it is best practice for members to use video when participating in meetings. Staff recommend adding the following to the bylaw: “When participating electronically, members must make best efforts to participate using facilities that enable participants and the public to clearly watch and hear the member’s participation.” This allows electronic participation without changing how meetings are conducted – e.g. if members participate by voice only, then votes would be taken verbally rather than by show of hands.

**POLICY ANALYSIS:**

The *Community Charter* requires Council to establish a bylaw identifying general procedures to be followed by Council and Council Committees.

**ADMINISTRATIVE IMPLICATIONS:**

These amendments would have minor administrative implications, but will provide greater clarity to staff on setting the agenda and providing procedural advice.

**PUBLIC ENGAGEMENT:**

In accordance with the Community Charter s. 94 (public notice) and s. 124(3) (procedure bylaws), the City must provide notice of the proposed bylaw amendments, describing the proposed changes in general terms.

**OPTIONS:**

1. THAT Council direct staff to bring forward a bylaw to amend the Council Procedure Bylaw No. 2730, 2013 as follows:
  - a. Remove the requirement for a motion resulting from a delegation to be made by way of a notice of motion;
  - b. Remove language limiting what Council can do when a main motion is under consideration in section 35;
  - c. Remove language limiting which motions can be debated in section 29;
  - d. Amend section 20(6) so that bylaw amendments are permitted prior to third reading;
  - e. Amend section 9 to require that members joining the meeting electronically make best efforts to use facilities that allow participants and the public to clearly watch and hear the member’s participation.
  
2. THAT Council direct staff to bring forward a bylaw to amend the Council Procedure Bylaw No. 2730, 2013 as follows:  
[Council to provide direction on amendments]
  
3. THAT Council provide alternative direction to staff.

**ATTACHMENTS:**

1. Council Procedure Bylaw No. 2730, 2013 (unofficial consolidation)

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