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## REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, JUNE 01, 2022

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**SUBJECT** Timelines for the Notice of Motion Procedure

### **ISSUE SUMMARY**

The CRD Board directed staff to report back on reducing the time period for notices of motion.

### **BACKGROUND**

At its April 13, 2022 meeting, the Capital Regional District (CRD) Board approved the following Motion with Notice from the Governance Committee:

*“Staff be directed to report back with options for amending the procedures bylaw to reduce the time delay present within the current notice of motion process, with options for a notice period that does not exceed 14 days.”*

Near the beginning of its term in June 2019, the CRD Board passed amendments on the procedures related to notices of motion in the *Board Procedures Bylaw* (Bylaw No. 3828). The updated process involved notices to be read into the record at one meeting in order to be considered at the next meeting. To ensure equal notice for all Directors, motions filed with the Corporate Officer are uploaded to the Board Correspondence Portal. For urgent matters with limited organizational impact, or to support the position of a member local government, the notice of motion provision may be waived if a two-thirds majority vote are obtained for same day consideration.

Attached as Appendix A is an excerpt of Section 22 of the *Board Procedures Bylaw* on notices of motion. Attached as Appendix B is a flowchart of the current notice of motion process.

The prior practice for notices of motion required that the motion be submitted to the Corporate Officer a minimum of seven business days prior to the meeting. Directors would not see the motion until it was published on the agenda the Friday before the meeting the following Wednesday. Some Directors felt this was not sufficient time to consider the matter when the motion was a final “take action” recommendation, rather than a request for staff to report back on an issue. Another challenge was that motions were being circulated to the media and the public prior to the filing with the Corporate Officer or publication on the agenda.

### **ALTERNATIVES**

#### *Alternative 1*

The Governance Committee recommends to the Capital Regional District Board: That the CRD Board support the current notice of motion process and timelines as set out in the *CRD Board Procedures Bylaw* and defer consideration of possible amendment to the notice of motion timelines to the incoming Board in early 2023.

#### *Alternative 2*

The Governance Committee recommends to the Capital Regional District Board:

That staff report back with amendments to the *CRD Procedure Bylaw* to allow introduction of a Notice of Motion by written notice to the Corporate Officer 14 days prior to a meeting.

## **IMPLICATIONS**

### *Current Process and Timelines*

The current notice of motion procedure results in an equitable notice provision for the public, staff and Directors. It ensures there is adequate time for delegations to make requests to address the issue, for staff to prepare to answer questions that may arise during debate, and for other Directors to have the opportunity to look into the issue in advance. Furthermore, with the upcoming General Local Elections it is a precarious time to amend the notice of motion process to accelerate discussion of matters outside of the Board's established strategic priorities and the CRD's approved financial plan. In the absence of a code of conduct, the Procedure Bylaw is the primary tool for upholding the rights of Directors to ensure equal access to information within the bounds of an open meeting.

The current process is slower, as intended by the 2019 bylaw amendment, however, for committees that meet less frequently, Directors may introduce a notice of motion at a Board meeting with a referral to the next applicable committee meeting for debate, thereby reducing the time between introduction and debate and voting. The current process has been effectively implemented at Board and Committee meetings and does provide Directors and the public more notice of proposed new initiatives prior to debate and vote on the motion.

Implementation of a notice period outside the regular meeting schedule, 14 days prior to debate and voting would not in itself rule out the possibility of urgent motions for same day consideration. Regardless of the time period, most notices of motion direct staff to report back with more information on an item. For some issues, it can take several months for staff to report back as timing will depend on operational capacity. CRD staff must balance making progress on their established annual work plans with the ad hoc requests for information or action on new items raised through notice of motion.

### *Implications of a Shorter Timeline*

A 14 day notice period would provide staff and Directors advance notice of a motion prior to voting but is somewhat less transparent to the public. Currently, any member of the public can watch a meeting webcast and hear the notice of motion being read into the record. The videos are posted online within 24 hours following a meeting. In most circumstances, the public will then have a month to plan a delegation or provide correspondence if they are interested in expressing their views on the matter. Under a 14 day notice period only the Directors would be notified that a notice of motion was served through the Corporate Correspondence portal, until the agenda was published on the Friday afternoon prior to the Wednesday meeting.

Any changes to the notice of motion timeline would need to be adopted through an amendment to the *CRD Procedures Bylaw*. With an election on the horizon, Legislative Service staff have limited capacity to draft and implement procedural changes, particularly with the more than 70 sub-regional and local area committees and commission that rely on the *Procedures Bylaw*. With the requirement for the incoming Board to consider adoption of a code of conduct, staff recommend deferring implementation of any procedural changes until the new Board is in place.

**CONCLUSION**

The current notice of motion process has been in place since 2019. Prior to 2019, notices of motion could be introduced by providing written notice to the Corporate Officer 7 days prior to a meeting. The changes made in 2019 were designed to ensure maximum transparency for the public, Directors, and staff by having the motion read into the record at an open meeting. A delay between introduction and voting allows time for directors, staff and the public to consider a new initiative before debate and voting occur.

CRD has more than 70 committees and commissions that rely on the *Procedures Bylaw*. Any amendments to the bylaw will require staff to engage in change management with all staff that support local and sub-regional committees and commissions, in addition to implementing the change with the Board and Standing Committees. With an upcoming election, staff have limited capacity to advance procedural changes and recommend consideration be deferred until after the election.

**RECOMMENDATION**

The Governance Committee recommends to the Capital Regional District Board:  
That the CRD Board support the current notice of motion process and timelines as set out in the *CRD Board Procedures Bylaw* and defer consideration of possible amendment to the notice of motion timelines to the incoming Board in early 2023.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
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**ATTACHMENT(S)**

- Appendix A: Notice of Motion Excerpt from Bylaw No. 3828
- Appendix B: Notice of Motion Process Flowchart