

REPORT TO GOVERNANCE AND FINANCE COMMITTEE MEETING OF WEDNESDAY, MARCH 06, 2019

SUBJECT Procedures for Notice of Motion and Motion with Notice

ISSUE

The Governance and Finance Committee requested that staff report back on the current process for notices of motion and motions with notice.

BACKGROUND

At the February 6, 2019 Governance and Finance Committee meeting, the committee approved a Motion with Notice from Committee Chair Brice (Appendix A) that stated:

That the Governance and Finance Committee direct staff to prepare a report on the current CRD procedures for Notice of Motion and Motion with Notice and that the Committee review current practice and determine if changes need to be considered.

The current process for Notices of Motion and Motions with Notice is governed by the CRD Board Procedures Bylaw No. 3828 in section 22 (attached as Appendix B). The differences can be summarized as follows:

<u>Notice of Motion - s. 22 (5 & 6a)</u>	<u>Motion with Notice – s. 22 (6b)</u>
<ul style="list-style-type: none"> Received by the Corporate Officer less than 7 business days prior to a meeting; Not added to the agenda but read at the meeting, when acknowledged by the Chair, and added to the minutes; To be considered at the following meeting; Can be considered at the same meeting if 2/3rds of members present approve; Does not get added to the agenda in time to receive delegation requests at the meeting where it is received. 	<ul style="list-style-type: none"> Provided to the Corporate Officer a minimum of 7 business days in advance of a meeting; Added to the agenda for consideration at that meeting; Published with the regular agenda; Can receive delegation requests at the meeting where it is received.

Comparisons between municipal motion procedures are at times difficult to apply to the CRD as generally Board and Committees meet monthly, or even bi-monthly or quarterly. Other local governments have similar processes for members to bring forward motions, and the following is a summary of how the following local governments handle motions as per their procedures bylaws:

- **City of Victoria:** Motions must be submitted a minimum of 24 hours before a meeting by submission to the Corporate Officer or if it has not been submitted can only be introduced with the leave of Council;
- **District of Saanich:** Motions provided at a Council meeting will be placed on the agenda of the next Council meeting;

- **Metro Vancouver:** Motions submitted nine business days prior to the meeting will be added to the agenda for consideration. Motions that do not meet that deadline provided during a meeting will be considered at the next regular meeting;
- **Regional District of Nanaimo:** Motions submitted seven business days prior to the meeting will be added to the agenda for consideration. Motions that do not meet that deadline provided during a meeting will be considered at the next regular meeting.

Historically the motion procedures have been in place in order to allow staff time to prepare any information they feel is required should they be asked questions as well as time to process the item for inclusion on the agenda. In addition, it provides time for Directors an opportunity to read and look into the item, as well as provide time for members of the public to apply to speak to the item.

In practice, once a motion is filed with the Corporate Officer it is distributed to senior staff and added to draft agendas for discussions between the Committee or Board Chair and staff. The motion is added to the agenda for publishing on the Friday prior to the next week's meeting. Delegations then have until Monday at 4:30 pm to apply to speak to the item at the Wednesday meeting. In cases where direction is not to seek further information from staff and significant resources are required to implement what the motion proposes, staff may add a staff report for information to the agenda as well. This was the case for the recent Motion with Notice regarding the Declaration of a Climate Emergency.

ALTERNATIVES

Alternative 1

That the report be received for information.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Recent Notices of Motion and Motions with Notice have generated considerable interest from the public and a significant number of delegations requests. In some case, the delegation requests and media interest have been generated prior to the motions being filed with CRD staff.

The current 7 business day notice provision for Motions with Notice does not generally give staff much time to prepare any accompanying information, given that the deadline is less than 4 business days' notice prior to agenda publishing and the internal deadline for staff report review has already passed. In addition, writing a staff report to provide information on a motion that has been submitted but has not been introduced or discussed by committee, requires staff to anticipate the information the Directors may need to make a decision and to speculate as to the questions that may arise, without the benefit of hearing the motion introduced and discussed at committee to provide context. In some cases, the committee or Board may not wish to advance a Motion with Notice for further consideration in which case the staff time spend preparing to respond to the motion is not well spent.

A Motion with Notice that has resource implications is best considered with staff input, which is why staff, whenever possible, draft a staff report to accompany the motion on the agenda. However, a staff report on the implications of a motion presented at the same time the motion is first introduced can create a dynamic where it appears that staff are highlighting challenges to adoption of the motion before it's even introduced by the moving Director. A possible way to

mitigate this effect is to ensure that all Motions with Notice that have resource implications include a recommendation that staff report back on the issue, before a decision is made to endorse the recommendation. Similarly, having delegations appear and speak to a motion at the time it is first introduced to committee or Board, but prior to Directors receiving a report from staff on implications, can create a gap where the interested public and Directors are discussing an issue without the benefit of all the information that is relevant to the discussion.

The Governance and Finance Committee could recommend a variation to the current process and amendments to the CRD Procedures Bylaw to the Board if it feels that the current provisions of the bylaw do not reflect the way Directors want new business brought before them. CRD's current practice is in line with what is being done in some other jurisdictions, however, an amendment could be made to require all motions to be filed at one meeting for consideration at the next, but retain the provision that Notices of Motion can be considered at the same meeting they are filed for situations of demonstrated urgency. In all cases, if there is a need to address a motion that is time sensitive, the Chair has the authority to call a special meeting under our current procedural rules.

CONCLUSION

The Governance and Finance Committee requested information on the current Notice of Motion and Motion with Notice processes. This report provides some comparison procedures from other local governments and highlights the current provisions in the CRD Board Procedures Bylaw with discussion on how the procedures are put into practice.

RECOMMENDATION(S)

That this report be received for information.

Submitted by:	Emilie Gorman, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, JD, General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

Appendix A: Motion with Notice of February 6, 2019 Governance and Finance Meeting

Appendix B: CRD Board Procedures Bylaw