

**REPORT TO GOVERNANCE AND FINANCE COMMITTEE
MEETING OF WEDNESDAY, MAY 01, 2019**

SUBJECT **Follow-up Report: Procedures for Notice of Motion and Motion with Notice**

ISSUE

A report on the current procedures for the Notices of Motions and Motions with Notice was referred back to the Governance and Finance Committee by the CRD Board for more information on the process for notifications.

BACKGROUND

At the March 13, 2019 Special CRD Board meeting, the report of the Governance and Finance Committee meeting of March 6, 2019 (Appendix A) related to Motions with Notice was referred back to the Committee. Comments made during the debate on the referral requested additional information on the method of distributing Motions with Notice, including the fact that Directors submitting Motions with Notice are able to distribute them to the media and public prior to other Directors being aware of the item that will be placed on the next agenda.

ALTERNATIVES

Alternative 1

That the Governance and Finance Committee recommend to the Capital Regional District Board: That Bylaw No. 3828, Capital Regional District Board Procedures Bylaw, 2012, be amended to:

- Remove the provisions for Motions with Notice; and
- Add criteria and a voting threshold for consideration of Notices of Motion at the same meeting as introduction.

Alternative 2

That this report be received for information.

IMPLICATIONS

The current practice for Motions with Notice requires that the Corporate Officer receive the motion a minimum of seven business days prior to the meeting. Directors do not see the motion until it is published on the agenda the Friday before the meeting. Recent motions have been circulated to the media and the public prior to the filing with the Corporate Officer or the publication of the agenda.

Requiring Directors to notify their colleagues of emerging issues, including notification of possible motions, would not typically be addressed in a Procedure Bylaw, but it could be the type of content included in a Code of Conduct. The CRD does not currently have a Code of Conduct. It was considered by the Governance Committee and in March of 2018 the Board endorsed the Committee's recommendation to not pursue a Code of Conduct. An alternate solution to ensure equal notice for all Directors could be accomplished by uploading motions filed with the Corporate Officer to the Board Correspondence Portal. However, it would still be possible for the Director filing the motion to distribute it to others in advance and would not ensure that all members of the public receive equal notice of the upcoming item.

Some jurisdictions have the practice that there are no Motions with Notice; rather, the only motions permitted are Notices of Motion, where motions are read into the record at one meeting and officially on the next agenda for debate. This ensures that there is adequate time for delegations to make requests to address the issue, for staff to prepare to answers to questions that may arise and for other Directors to have the opportunity to look into the issue in advance. This approach may result in a more equitable notice provision for the public, staff and Directors.

There is an existing provision in the Procedure Bylaw that items that have not met the 7 day pre-meeting deadline can be considered at the same meeting with a 2/3rds majority vote, however a 2/3rds majority is not difficult to obtain and consideration at the time of filing means the public in particular have not been given proper notice should they wish to appear as a delegation.

The CRD Board generally meets only monthly, therefore to ensure that items of an urgent nature can be addressed the bylaw could be amended to include criteria in which the Notice of Motion could be considered at the same meeting. This would be done only on unanimous approval and require the item meet one of the following criteria to demonstrate urgency:

- Approaching deadline (e.g. for grant opportunities);
- Items of minor organizational impact (e.g. advocacy positions or letters of support); or,
- Supporting the position of member local governments (e.g. resolutions).

CONCLUSION

The intent of both Motions with Notice and Notices of Motion is to ensure that Directors have a procedural way to gain the support of their colleagues in a transparent process that ensures proper notice and informed debate.

The Board requested additional information on the process related to distribution and notification for Motions with Notice. Amending the CRD Board Procedures Bylaw to only allow Notices of Motion would assist with more uniform notification, as all Directors, staff and the public would receive notice of the item at one meeting for consideration of the item at the next meeting.

RECOMMENDATION(S)

That the Governance and Finance Committee recommend to the Capital Regional District Board: That Bylaw No. 3828, Capital Regional District Board Procedures Bylaw, 2012, be amended to:

- Remove the provisions for Motions with Notice; and
- Add criteria and a voting threshold for consideration of Notices of Motion at the same meeting as introduction.

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: Staff Report of March 6, 2019

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

Appendix C: CRD Board Procedures Bylaw