

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Establishing Best Practices for CRD Meetings**

ISSUE SUMMARY

The CRD Board has asked for guidelines to supplement the Board Procedures Bylaw and better facilitate discussion at Board and Committee meetings. Staff are seeking further direction from the Governance Committee on the meeting procedures and practices that would benefit from clear guidelines.

BACKGROUND

In November 2020, the Capital Regional District (CRD) Board asked staff to develop a policy to guide discussion at Board and Committee meetings. That direction came out of a notice of motion over concern that Directors are often moving motions, making amendments, asking questions and offering discussion in a somewhat disorganized fashion leading to confusion.

At the February 10, 2021 CRD Board meeting, the following motion was carried:

That staff report back to the Governance Committee with a best practices guide for meetings of the Capital Regional District Boards, Committees and Commissions.

The best practice guidelines for meetings will be geared towards educating Directors on how to utilize the meeting management tools available in the existing *CRD Board Procedures Bylaw* ("Bylaw") and in Roberts Rule of Order ("RRO"). However, there are several meeting practices that have been raised by Directors that are outside the scope of the Bylaw or RRO and for which staff are seeking further direction on. For additional background information, please see the February 3, 2021 staff report attached as Appendix A to this report.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

That staff report back to the Governance Committee with best practice guidelines for meetings of the Capital Regional District Boards, Committees and Commissions in accordance with the direction set out in this report.

Alternative 2

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

IMPLICATIONS

The CRD Board Procedures Bylaw governs the rules of procedure for all CRD Board, Standing and Select Committees, and Commissions. Furthermore, section 2 of the Bylaw establishes that RRO will apply in cases where the Bylaw is silent on procedure, as long as it is not inconsistent

with the *Local Government Act* or *Community Charter*.

This section will provide an overview of the meeting procedures and best practices that have been the subject of discussion at CRD Board and Standing Committee meetings.

Moving of Recommendation(s)

The guidelines will streamline the Board's decision making practice by prioritizing the moving of the recommendation(s) published on the meeting agenda before considering an alternative motion.

During past meetings, Directors have raised whether the proper procedure is for the Chair to seek movers and seconders of the recommendation, as printed on the meeting agenda, before an alternative motion will be considered. Currently, the Bylaw does not contain any direction on the priority of the staff recommendation. There are sometimes two sources of recommendations before the Board: the recommendation from the staff report; or an alternate or amended recommendation from a Committee or Commission. Most staff reports will have gone to committee for endorsement or further refinement (through amendments or motions arising) before making its way on the Board meeting agenda.

Allowing Directors the opportunity to move the staff recommendation before any alternative motions or amendments are raised would allow for fulsome discussion on the staff recommended course of action before discussion is redirected to an alternative course of action. When applied at Board, Directors should be made aware of the context of any amendments made at committee to ensure committee input is not sidelined in the Board's consideration of the issue; therefore, a note is published on the Board agenda highlighting any changes to the staff recommendation at committee.

Point of Order, Privilege, Parliamentary Inquiry, and Information

The guidelines will differentiate between the motions Point of Order, Raising a Question of Privilege, Parliamentary Inquiry, or Point of Information.

A point of order must be raised immediately when a member believes that the rules of order are being violated and wish for the Chair to enforce the rules or make a ruling. As per section 24(4) of the Bylaw and RRO, a point of order does not require a seconder and can interrupt another member who is speaking. Some common examples include: limiting discussion to the motion on the floor; prioritizing first time speakers; and objecting to the validity of a motion or amendment.

A point of order is often confused with the motions raising a questions of privilege, parliamentary inquiry, and point of information.

Raising a Question of Privilege is allowed to interrupt the pending business to state an urgent request or motion if a member or the Board's rights or privilege are being affected. For example, interfering noise, malfunctioning audio-visual equipment, and the discussion of confidential subject matters with guests still presents.

A parliamentary inquiry is made when a member has a question about the rules and how they apply to the current proceeding or to something that the member would like to propose. Unlike a

Point of Order, you may only interrupt a speaker if the question requires immediate attention such as before the calling of a question.

A motion to request for information (commonly referred to as point of information) is very similar to a parliamentary inquiry. A request for information is to ask a non-procedural question on the business matter before the Board; however, this question must be directed to the Chair who will then direct to the appropriate individual to respond.

Question Period and Debate

The guidelines will solidify the procedure that the Chair opens the floor for questions (point of information) before putting the question and hearing comments (debate).

A practice of the CRD Board Chair has been to ask if there are any questions from the Directors on the report or matter before them before putting a motion on the floor and opening up debate. This practice has been adopted by most Chairs of Standing Committees and provides an opportunity for staff to answer questions about their report or service area. For clarity, having a question period before a motion or opening the floor for comments (i.e. debate) does not negate the ability for Directors to raise more questions during the course of debate, after the motion has been moved and seconded, as is permitted in RRO.

Amendment, Motion Arising, and Notice of Motion

The guidelines will provide criteria and examples for Chairs and Members to better differentiate between an amending motion, a motion arising and a notice of motion.

A common challenge for Directors is being able to differentiate whether the motion they wish to put forward is an amendment to the main motion, a new motion that is arising from business matters before the Board, or a notice of motion to take additional action.

Section 22(4) of the Bylaw, and RRO, allows only one amendment to an amendment at one time. Each amendment is voted on separately and if successful requires that a vote be taken on the main motion as amended. The Bylaw requires that the amendments be strictly relevant to the main motion and not alter in a material way or be contrary in principle. For example, it is not proper procedure to amend a motion to “grant funds” by inserting a negative word in order to change the intent of the motion to “not” granting those funds. The proper procedure is to vote on the main motion and vote in opposition if you do not want the proposed action to be taken.

The practice by the Board and its Standing Committees has been to permit motions arising on an agenda item; however, the criteria and nuance between a motion arising versus amendment is not provided for in the Bylaw or RRO. In practice, motions arising are additional stand-alone motions calling for an additional action to complement the main motion before the Board. The best practice is to vote on motions arising separately than the main motion.

The Bylaw allows Members to bring forward a new matter for the Board’s decision through a notice of motion process in accordance with section 22 sub-sections (6) and (7). The procedure requires that notice be given at a meeting that the matter will be published on the next agenda for discussion. The two-step process ensures the following due process: that the meeting’s focus remains on the approved agenda items; that Directors have time to give thought to the matter and

prepare for a fulsome discussion at the next meeting; and it provides the an opportunity for public comment before a decision is made. The Bylaw provides an exception for same day consideration with a 2/3 affirmative vote provided that there is an urgent deadline, minor organizational impact, or to simply support the position of a member local government.

The Chair makes the ruling on whether a motion is an amendment, a motion arising, or a notice of motion; however, a Member may raise a point of order if they disagree with the appropriateness of the motion. A table of example motions is provided below for clarity.

Table: Example Motions for Action or Decision

Motion Type <i>(Procedures Bylaw)</i>	Example(s)
Motion/ Recommendation s. 22(1)	<i>That the Governance Committee recommends to the CRD Board:</i> That staff be directed to conduct public engagement on the proposed design for...
Amendment s. 22(4)	That the motion be amended by adding after “public engagement” the following: “including online and in-person opportunities”
Motion Arising s. 22(5)	<ul style="list-style-type: none"> • That the report be forwarded to municipal councils for information... • That the Board Chair send a letter to the Minister of Municipal Affairs... • That staff provide supplementary information (as directed) when the report is presented to the Board.
Notice of Motion s.22(6) & 22(7)	That staff be directed to report back through the Governance Committee on the development of a policy to address

Table, Postpone Indefinitely, and Postpone to a Certain Time

The guidelines will note the proper use of the motion to lay on the table and to postpone to a certain time in accordance with Robert’s Rules of Order.

A common misconception is that tabling a motion puts the matter off to another day or kills the motion. In both cases, this is an improper use of the motion to lay on table. Under RRO, to lay on the table is to temporarily pause consideration of the pending business in order to address a more urgent matter before resuming consideration of the pending business in the same meeting.

To drop the main motion without a direct vote is the motion to postpone indefinitely.

The motion to postpone to a certain time allows the Board to put off an immediate decision on a matter with only a majority in favour. There are many reasons why the Board may want to delay consideration including, but not limited to, requiring more information before making a decision or to deal with more urgent business matters before the meeting is adjourned. Unlike a motion to lay on the table, the motion to postpone must define the period of time (e.g. next meeting). If the Board is seeking advice of a Committee, the proper motion is to refer the business matter to the Committee and ask that they report back.

Referrals to Other Standing Committees

The guidelines will establish that committees should not refer items to other Standing Committees without Board approval, except for service planning reports advancing to Committee of the Whole.

At a recent Standing Committee meeting discussion ensued on the proper procedure for a Committee to refer a report to another Standing Committee. Section 26(3) of the Bylaws states that a Board Standing Committee will carry out any matter referred by the Board or the Chair of the Board.

If the best practices guidelines were to stipulate that only the Board may refer to a Standing Committee, this would mean that recommendations of referrals to additional committees would take up to two months to proceed through committee to board, to another committee, and back to board for final consideration. The other challenge with sending a report to multiple committees is the possibility of contradictory recommendations from committees converging on the Board agenda.

The best practice guidelines will provide an exception for service planning reports which will be referred to the special Committee of Whole meeting for provisional budget prior to a Special Board meeting.

Limiting Speakers by Objecting to Consideration or Calling the Previous Question

The guidelines will NOT establish a practice that all Members be heard at least once before debate is closed and a vote is taken, unless directed to by the Board.

The practice of calling the question before all Directors wishing to speak had an opportunity to do so has been raised as a concern by some Directors. Section 21(3) of the Bylaw states that “*the Chair shall have the discretion to call the question on completion of debate*”. Under RRO, a Member who wishes to immediately close debate and amendment of a pending motion and taking a vote can do so by moving the previous question and with a 2/3 vote. Noteworthy exceptions to the application of the previous question in RRO are that it is not allowed in committees and prevents the making of other subsidiary motions except to lay on the table.

Section 22(3) of the Bylaw states that a motion to adjourn debate shall always be in order. If the Board wished to amend its procedure to ensure that all Directors have an opportunity to speak at least once, it will require an amendment to the Board Procedures Bylaw. The Best Practices guidelines are only able to supplement the Board Procedures Bylaw and not provide contradictory procedures.

The motion objection to consideration of the question is made when a member believes that the main motion is undiplomatic and not in the best interest of the Board to be discussed in the meeting. RRO requires that the objection be raised before debate has begun and receive a 2/3 vote against consideration. The effect of this motion is that no member can speak to the motion.

Receive for Information

The guidelines will clarify that the motion to “Receive for Information” has no effect.

The motion to receive for information does not endorse further action in its passing, nor does it mean that the report was not received as it was published on the meeting agenda (i.e. received). Staff have identified a need to update staff report recommendation practices to move away from a recommendation to receive for information. Instead, staffs report will include a statement under Recommendation stating that, *“There is no recommendation. This report is for information only.”* If there is further action being taken by staff, for example, the development of a plan, the recommendation would be more appropriate as, *“That staff proceed with community consultation on the draft plan.”*

CONCLUSION

The Capital Regional District Board asked staff to develop a policy to guide discussion at Board and Committee meetings. The best practice guidelines for meetings will be geared towards educating Directors on how to utilize the meeting management tools available in the existing *CRD Board Procedures Bylaw* and in Roberts Rule of Order. Staff are seeking further direction from the Governance Committee on meeting procedures and practice that would benefit from clear guidelines, which are: moving of recommendations before considering an alternative motion; when to raise a point of order, privilege, parliamentary inquiry, or request for information; having a question period before opening the floor to debate; appropriate use of amendments, motions arising, and notices of motion; clarifying the motion to lay on the table versus postponing to a certain time or indefinitely; Board approval of referrals to other Committees; limiting discussion by objecting to consideration of the question or calling the previous question; and the practice of receiving of reports for information. Staff will report back through the Governance Committee with best practice guidelines for meetings of CRD Boards, Committees and Commissions.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That staff report back to the Governance Committee with best practice guidelines for meetings of the Capital Regional District Boards, Committees and Commissions in accordance with the direction set out in this report.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Staff Report from Feb 3, 2021 (copy of Bylaw 3828-CRD Board Procedures)