

CITY OF KELOWNA

BYLAW NO. 8614

Amendment No. 1 to Council Bylaw No. 7906

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Council Bylaw No. 7906 be amended as follows:

1. THAT wherever references to *Municipal Act* appear, these references be updated to the *Local Government Act*.
2. AND THAT subsection 1.3.1 of **Section 1.3 Definitions** be amended by adding the following definition in the appropriate location:

"‘**City Manager**’ means the **City Manager** appointed by **Council**;

‘**other committee**’ means a committee, appointed by **Council**, that is composed solely of Council members acting in that capacity;

‘**public hearing**’ means a **public hearing** provided for in Section 890 of the *Local Government Act*,"
3. AND THAT subsection 1.3.1 of **Section 1.3 Definitions** be amended by adding the replacing the definition of "**committee**" with the following:

"‘**Council committee**’ means a standing, select, or other committee of **Council**;"
4. AND THAT subsection 1.3.1 of **Section 1.3 Definitions** be amended by adding the replacing the definition of "**select committee**" and "**standing committee**" with the following:

"‘**select committee**’ means a committee that is
 - (a) constituted from time to time to deal with matters of a similar nature that are referred to it, and
 - (b) composed of members appointed by **Council**, including one member of **Council** who acts as a liaison between the **select committee** and **Council**;
‘**standing committee**’ means a committee that is
 - (a) established by the mayor to deal with matters the mayor considers would be better regulated and managed by **standing committee**; and
 - (b) where at least one half of the members are **Council** members;"
5. AND THAT **Section 3.1 Time and Location of Meetings** be deleted in its entirety and replaced with the following:

"3.1 Time and Location of Meetings
 - 3.1.1 All **Council** meetings and **Public Hearings** must take place within **City Hall** except when **Council** passes a resolution to hold a meeting elsewhere.

- 3.1.2 **Public Hearings** and Regular Monday Afternoon and Tuesday Evening **Council** meetings must be held on the dates established by a resolution of **Council** prior to December 15 in the preceding year, unless **Council** passes a resolution to cancel a particular meeting. Regular Monday morning **Council** meetings must be held on the dates established by a resolution of **Council** prior to December 15 in the preceding year, unless **Council** passes a resolution to cancel a particular meeting or the **City Manager** determines there is not sufficient business to be discussed to warrant the holding of a particular meeting.
 - 3.1.3 Regular **Council** meetings on Mondays shall begin at 9:00 a.m. and at 1:30 p.m. unless **Council** passes a resolution to change the time of a particular meeting.
 - 3.1.4 **Public Hearings** shall begin at 7:00 p.m. unless **Council** passes a resolution to change the time of a particular meeting.
 - 3.1.5 Unless **Council** passes a resolution to change the time of a particular meeting, regular **Council** meetings on Tuesdays shall begin after the conclusion of the **Public Hearing**, or if there is no **Public Hearing**, they shall begin at 7:00 p.m.
 - 3.1.6 At least 48 hours before a Regular **Council** meeting, the **Clerk** must give advance public notice of the time, place, and date of those meetings by
 - (a) posting the agenda at the public **notice board** at **City Hall**,
 - (b) delivering copies of the agenda to each of the members of **Council** at their mailboxes at **City Hall**, and
 - (c) leaving copies of the agenda at a public counter at **City Hall** for the purpose of making them available to members of the public.
 - 3.1.7 The **City** will also endeavour to post agendas on the **City's** website."
6. AND THAT **Section 4.1 Minutes of meeting to be maintained and available to the public** be deleted in its entirety and replaced with the following:
- "4.1 Minutes of meeting to be maintained and available to the public**
- 4.1.2 Minutes of the proceedings of **Council** must be
 - (a) legibly recorded,
 - (b) certified correct by the **Clerk**,
 - (c) signed by the mayor or other member presiding at the meeting.
 - 4.1.3 Minutes of the proceedings of **Council** must be open for public inspection at **City Hall** during its regular office hours.
 - 4.1.4 Subsection 4.1.3 does not apply to minutes of that part of a **Council** meeting from which persons were excluded under subsection 3.4.3."
7. AND THAT **Section 4.6 Order of proceedings and business** be deleted in its entirety and replaced with the following:
- "4.6 Order of proceedings and business**
- 4.6.1 Prior to each regular, special, **closed meeting** or Inaugural meeting, the **Clerk** must prepare an agenda of all items to be considered by **Council** at such meeting, and **Council** must proceed in the order set out, unless that agenda is varied by resolution.

- 4.6.2 All documents for the agenda of a meeting of **Council**, other than a **special council meeting**, must be delivered to the **Clerk** by noon on the Wednesday preceding such meeting.
- 4.6.3 The agenda for all regular **Council** meetings contains the following matters where there are items in the category listed below, and in the order in which they are listed:
- (a) Monday Regular Meeting (morning):
 - Call to Order
 - Appointment of Member to check minutes
 - Reports from Chair of Council Committees
 - Reports
 - Resolution to approve those items on the agenda proposed for a closed meeting pursuant to section 242.2 of the *Local Government Act* and to close the meeting to the public
 - Closed session
 - Termination
 - (b) Monday Regular Meeting (afternoon):
 - Call to Order
 - Appointment of Member to check minutes
 - Public in Attendance (Delegations and Submissions)
 - Unfinished Business
 - Correspondence
 - Planning & Development Services Reports
 - Bylaws (Zoning and Development related, including information reports for Adoption)
 - Reports
 - Resolutions
 - Bylaws other than Zoning and Development
 - Councillor Items
 - Termination
 - (c) Tuesday Regular Meeting:
 - Call to Order
 - Prayer
 - Confirmation of Minutes
 - Appointment of Member to check minutes
 - Bylaws considered at Public Hearing (including information reports for adoption)
 - Public Meeting to Receive Input on Liquor License Applications
 - Planning & Development Services Reports (Development Permits and Development Variance Permits)
 - Public In Attendance (Delegations and Submissions)
 - Unfinished Business
 - Petitions
 - Correspondence
 - Reports
 - Resolutions
 - Bylaws
 - Reminders
 - Termination

- (d) **Public Hearing**
Reading or summarizing the Notice of **Public Hearing**
Staff Presentation
Identifying an correspondence received relating to the bylaw under consideration by reading the name and address of the writer
Presentation by owner or applicant
Call for any person to be heard or to present a written submission respecting the bylaw under consideration
Applicant to respond to concerns raised by previous speakers or **Council**
- 4.6.4 As an exception to subsection 4.6.3(c) if a Public Hearing extends beyond 11:00 p.m. **Council** will not consider any of the Bylaws considered at the **Public Hearing** until the next Monday Regular Meeting scheduled for 1:30 p.m.
- 4.6.5 **Council** may proceed with an item of business at a regular **Council** meeting in the absence of the **Council** member in whose name the business is listed on the agenda only if that member has given written permission for another member to proceed with that business.
- 4.6.6 During the agenda item entitled 'Councillor Items', members of **Council** may make motions, introduce new business, pose inquiries and make suggestions upon being recognized by the presiding member. Items of new business which are not included in the agenda and which are of a complex nature and that may affect existing **City** bylaws or policies shall be introduced as a Notice of Motion for placement on a future special or regular meeting. Other items of new business which are not of a complex nature, such as travel authorizations, congratulatory messages, and similar items may be accepted as verbal reports from any member of **Council**. Members of **Council** who request that a letter of appreciation be sent on behalf of the **Council** shall be responsible for preparing a draft of the letter for signature by the Mayor."

8. AND THAT a new **Section 4.19 Public Hearings** be added as follows:

"4.19 Public Hearings

- 4.19.1 All persons who believe their interest in property is affected by the proposed bylaw(s) to be considered at a **Public Hearing** shall be afforded a reasonable opportunity, to be heard or to present written submissions, on matters contained in the bylaw(s) after first identifying themselves by stating their name and address and the name and address of the person or persons they represent.
- 4.19.2 The **Clerk** shall furnish, to each member of **Council** before the **Public Hearing**, a copy of any correspondence pertaining to the subject of the **Public Hearing** that has been received prior to the **Public Hearing**.
- 4.19.3 The Chair will only entertain submissions that are germane to land use issues.
- 4.19.4 Presentations by an owner/applicant(s) shall be limited to a maximum of 15 minutes. Owner/applicants who have additional information they are not able to include within a 15 minute presentation shall be encouraged to provide the additional information, in writing and if possible electronically (**cityclerk.city.kelowna.bc.ca**), to the Clerk by 12:00 noon on the Wednesday preceding the hearing so that the information can be copied to **Council** as part of the hearing agenda package.

- 4.19.5 Presentations by members of the public shall be limited to a maximum of 5 minutes each. If a person has additional information they are unable to provide within a 5 minute presentation, they shall be given further opportunities to address **Council** after all other members of the public have been heard a first time. It is the intention of **Council** that all speakers have an opportunity to speak, regardless of how many speakers want to address a particular issue, but in the interests of time, speakers are encouraged to confine their comments to new information.
- 4.19.6 The owner/applicant will be given an opportunity to respond to comments/questions raised during the **public hearing** before the hearing is closed on their application. This presentation shall be limited to a maximum of 10 minutes.
- 4.19.7 **Council** may ask questions of the presenter (public and/or staff) at the **Public Hearing** for clarification purposes. Debate of the bylaw(s) will take place at a Regular Meeting of **Council** following the **Public Hearing** when the bylaw(s) is presented for reading consideration."
9. AND THAT **PART 6 - COMMITTEES** be deleted in its entirety and replaced with the following:
- "PART 6 – COUNCIL COMMITTEES**
- 6.1 Establishing standing committees**
- 6.1.1 In accordance with section 239(3) of the *Local Government Act*, at least ½ of the members of a **standing committee** must be **Council** members.
- 6.2 Duties of standing committees**
- 6.2.1 **Standing committees** must consider, inquire into, report, and make recommendations to **Council** about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by **Council**;
 - (c) matters that are assigned by the mayor.
- 6.2.2 **Standing committees** must report and make recommendations to **Council** as required by **Council** or the mayor.
- 6.3 Location of standing committees' meetings**
- 6.3.1 **Standing committees** shall establish the location of their meetings by resolution, with priority being given to holding meetings within **City Hall** whenever possible.
- 6.4 Time of standing committees' meetings**
- 6.4.1 At its first meeting after its appointment a **standing committee** must establish a regular schedule of meetings.
- 6.4.2 The regular presiding member of a **standing committee** may call a special meeting of the committee in addition to the regular schedule of meetings, subject to the public notification requirements of subsection 6.5.

6.5 Notice of standing committees' meetings

- 6.5.1 At least three days before a regular meeting of the **standing committee**, the **Clerk** must give public notice of the time, place, and date of the meeting by way of a notice posted on the **notice board**.
- 6.5.2 At least one day before a special meeting of the **standing committee**, pursuant to subsection 6.4.2, the **Clerk** must give public notice of the time, place, and date of the meeting by way of a notice posted on the **notice board**.
- 6.5.3 At least one day before a meeting of the **standing committee**, the **Clerk** must give further public notice of the meeting by posting a copy of the agenda on the **notice board**, and by making copies of the agenda available to the public at the **City Clerk's** office in **City Hall** . The **Clerk** will also endeavor to post the agenda on the **City's** website if possible.
- 6.5.4 At least one day before a meeting of the **standing committee**, the **Clerk** shall have delivered, a copy of the agenda to each member of the committee at the place to which the committee member has directed that notice be sent.

6.6 Establishing select committees

- 6.6.1 **Council** by resolution may appoint a **select committee** to inquire into any matter and to report to **Council**.
- 6.6.2 At least one member of a **select committee** must be a **Council** member.

6.7 Duties of select committees

- 6.7.1 **Select committees** must consider, inquire into, report, and make recommendations to **Council** about the matters referred to the committee by the **Council**.
- 6.7.2 **Select committees** must report and make recommendations to **Council** as soon as is possible, unless a date and time is established by **Council**.

6.8 Location of select committees' meetings

- 6.8.1 **Select committees** shall establish the location of their meetings by resolution, with priority being given to holding meetings within **City Hall** whenever possible.

6.9 Time of select committees' meetings

- 6.9.1 At its first meeting after its appointment, a **select committee** must establish a schedule of meetings, or as an alternative, the committee shall establish the time, date, and location for the next meeting of the committee prior to adjourning each meeting, and notice of such meeting dates shall be posted on the **City's** website.
- 6.9.2 The regular presiding member of a **select committee** may call a special meeting of the committee in addition to the scheduled meetings approved by the committee, subject to meeting the public notification requirements outlined in section 6.10.

6.10 Notice of select committees' meetings

- 6.10.1 At least one day before a meeting of the **select committee**, the **Clerk** must give public notice of the time, place, and date of the meeting by way of a notice posted on the **notice board**.
- 6.10.2 At least one day before a meeting of the **select committee**, the **Clerk** must give further public notice of the meeting by posting a copy of the agenda on the **notice board**, making copies of the agenda available to the public at the **Clerk's** office in **City Hall**. The **Clerk** will also endeavor to post the agenda on the **City's** website whenever possible.
- 6.10.3 At least one day before a meeting of the **select committee**, the **Clerk** shall have delivered, a copy of the agenda to each member of the committee at the place to which the committee member has directed that notice be sent.

6.11 Establishing other committees

- 6.11.1 In accordance with section 235(1) of the *Local Government Act*, all the members of an **other committee** must be **Council** members.
- 6.11.2 **Council** may by resolution appoint an **other committee** to inquire into any matter and report to **Council**.

6.12 Duties of other committees

- 6.12.1 **Other committees** must consider, inquire into, report, and make recommendations to **Council** about the matters referred to the committee by the **Council** or the mayor.
- 6.12.2 **Other committees** must report and make recommendations to **Council** as soon as is possible, unless a date and time is established by **Council**.

6.13 Location of other committees' meetings

- 6.13.1 **Other committees** shall establish the location of their meetings by resolution, with priority being given to holding meetings within **City Hall** whenever possible.

6.14 Time of other committees' meetings

- 6.14.1 At its first meeting after its appointment an **other committee** must establish a regular schedule of meetings.
- 6.14.2 The regular presiding member of an **other committee** may call a special meeting of the committee in addition to the regular schedule of meetings, subject to the public notification requirements of subsection 6.15.

6.15 Notice of other committees' meetings

- 6.15.1 At least three days before a regular meeting of the **other committee**, the **Clerk** must give public notice of the time, place, and date of the meeting by way of a notice posted on the **notice board**.
- 6.15.2 At least one day before a special meeting of the **other committee**, pursuant to subsection 6.4.2, the **Clerk** must give public notice of the time, place, and date of the meeting by way of a notice posted on the **notice board**.

6.15.3 At least one day before a meeting of the **other committee**, the **Clerk** must give further public notice of the meeting by posting a copy of the agenda on the **notice board**, and by making copies of the agenda available to the public at the **City Clerk's** office in **City Hall** . The **Clerk** will also endeavor to post the agenda on the **City's** website if possible.

6.15.4 At least one day before a meeting of the **other committee**, the **Clerk** shall have delivered, a copy of the agenda to each member of the committee at the place to which the committee member has directed that notice be sent.

6.16 Attendance at meetings of Council committees

6.16.1 **Council** members who are not members of a **Council committee** may attend the meetings of **committees**.

6.16.2 Sections 3.4 (Attendance of public at meetings) and 4.17 (Witnesses at meetings) apply to meetings of **Council committees**.

6.17 Minutes of Council committee meetings to be maintained and available to public

6.17.1 Minutes of the proceedings of **Council committees** must be

- (a) legibly recorded,
- (b) signed by the chair or member presiding at the meeting, and
- (c) open for public inspection as provided for **Council** minutes under PART 4.

6.18 Quorum

6.18.1 Unless otherwise stated in the terms of reference of the **Council committee** as adopted by **Council**, the quorum for a **Council committee** is a majority of all of its members.

6.19 Conduct and debate

6.19.1 **Council** members who are attending a meeting of a **Council committee** of which they are not a member may participate in a discussion only with the permission of the majority of all members of the **Council committee**.

6.19.2 A motion made at a meeting of a **Council committee** is not required to be seconded.

6.20 Voting at meetings

6.20.1 **Council** members who are attending a meeting of a **Council committee** of which they are not a member must not vote on a question.

6.20.2 Subsections 4.5.1, 4.5.2, and 4.5.4 to 4.5.8, inclusive, apply to **Council** members' voting and participation in relation to meetings of **Council committees**."

10. This bylaw may be cited for all purposes as "Bylaw No. 8614, being Amendment No. 1 to Council Bylaw No. 7906."

Read a first, second, and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk