
CITY OF KELOWNA

MEMORANDUM

Date: April 27, 2009
File No.: BL 10157
To: City Manager
From: City Clerk
Subject: Amendment to Council Procedure Bylaw No.9200

Report Prepared by: Deputy City Clerk

RECOMMENDATION:

THAT Bylaw 10157, Amendment No. 3 to Council Procedure Bylaw No. 9200 be advanced for reading consideration;

AND THAT notice of the amendment be given in accordance with section 94 of the *Community Charter*.

BACKGROUND:

Early in 2009, Council expressed an interest in creating additional means for the public to address Council. Staff is recommending, as part of this request, that a provision be added to the Council Procedures Bylaw No. 9200, to allow Council to meet as a "Committee of the Whole" under section 2.5, Special Meetings. The intent is to accommodate *Governance and Policy, Neighbourhood, and Breakfast with Business* meetings, and with specific related amendments to Part 2, 4 and 5, provide Council with the necessary procedural guidance.

Committee of the Whole meetings afford Council the opportunity to be presented with, and think through, policy issues and their ramifications in a process that is transparent to the public. No decisions will be made at Committee of the Whole meetings other than receiving reports for information and directing staff to review and report back with a recommendation at a future Council meeting.

Council has also requested that, through amendments to the procedure bylaw, staff provide an opportunity for an applicant or owner to address Council with regards to Land Use applications that receive a negative recommendation from City Staff. In this situation, staff is recommending that an owner or applicant, or their representative, be given the opportunity to make a presentation to Council, limited to five minutes, to provide any additional information prior to Council consideration of the application.

Staff would also like Council to consider updating the Council Procedures Bylaw with a provision that would allow a member of Council to participate in regular meetings electronically. Council is authorized under s.128 of the *Community Charter* to provide, through the procedures bylaw, for electronic meetings and participation by members.



In order to define the scope of the provisions, staff has taken into consideration the situations where electronic special council meetings could be permitted; the extent of an individual council member's authority to participate electronically in non-special meetings; logistical issues related to using electronic technology; and any related costs. Consideration was also guided by an understanding of Council's desire to engage the public in new ways, and of the potential limitations in providing the appropriate facilities and equipment necessary to give the public the opportunity to hear, or hear and see, the participation of council members.

The intent is to provide flexibility to Council in conducting business, without compromising the rights of the public to have access to the decision-making process. It is for this reason that the recommendation is broad in scope, with the understanding that initially, this provision may not be utilized fully. The amendment will however provide a member of Council, upon authorization of the Mayor, an opportunity to participate in a regular meeting by means of electronic or other communication facilities.

LEGAL/STATUTORY AUTHORITY: *Community Charter*

Considerations not applicable to this report:

INTERNAL CIRCULATION TO:

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

EXISTING POLICY:

FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

COMMUNICATIONS CONSIDERATIONS:

ALTERNATE RECOMMENDATION:

Submitted by:


S. Fleming, City Clerk

Approved for Inclusion:

R. Mayne, Director, Corporate Services