

CITY OF KELOWNA

BYLAW NO. 10326

Amendment No. 4 to Council Procedure Bylaw No. 9200

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Council Bylaw No. 9200 be amended as follows:

1. THAT all references to “the City Clerk’s Office” be deleted and replaced with “Office of the City Clerk”;
2. AND THAT all references to “Planning Department” be deleted and replaced with “Land Use Management Department”;
3. AND THAT **PART 1 – INTERPRETATION**, sub-section **Interpretation**, paragraph 1.8 be amended by adding the definition “Other Committees” as follows:
“Other Committees” means those Advisory, Boards, Task Force or other Committees appointed by Council.”
4. AND THAT **PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS**, sub-section **Notice of Regular Council Meetings and Public Hearings**, paragraph 2.9 be amended by deleting the words “48 hours” after the words “At least” and replacing it with the words “forty-eight (48) hours”;
5. AND THAT **PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS**, be deleted in its entirety and replaced with the following:

“PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS

Meetings to be Open to the Public

- 4.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter*, all meetings of Council shall be open to the public.

Visitors and Delegations to Council

- 4.2 A person, other than a Council member or an officer or employee of the City, shall only address Council during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if Council has passed a resolution to hear from that person at that time.

Public in Attendance Presentations to Council (General)

- 4.3 A person who is not an officer or employee of the City, who wishes to have a report or presentation scheduled to a Council meeting agenda, shall request the same through the Office of the City Clerk and include:
 - (a) the name(s) of the person(s) who would be making the report or presentation if approved (referred to as a “delegation”), and

- (b) a copy of the report or presentation in written form. The written submission must clearly state any requests being made of Council and any recommended Council resolutions.
- 4.4 Requests dealing with a matter that is outside the jurisdiction of the City of Kelowna shall be refused.
- 4.5 So long as a request deals with a matter that is within the jurisdiction of the City Kelowna, and is received in accordance with section 4.3 of this bylaw, the Office of the City Clerk shall handle such a request by recommending to the City Manager one or more of the following actions:
- (a) that the request be referred to the appropriate City staff member or department, if the request is operational in nature;
 - (b) that the person(s) making the request be encouraged to contact members of Council directly with the concerns raised;
 - (c) that the request be referred to a Council committee or advisory body; or
 - (d) that the request be granted and the delegation be scheduled to the next available meeting agenda.
- 4.6 A person who is not an officer or employee of the City shall be limited to 10 (ten) minutes to make his or her presentation to Council, but may be asked to take additional time to respond to any questions from Council and may include additional information if necessary in the copy of the report or presentation submitted to the Office of the City Clerk prior to agenda preparation for the relevant meeting.

Proceedings at Regular Meetings (morning)

- 4.7 Written correspondence addressed to Council which is related to a special community request, may be placed on the agenda under 'Issues Arising from Correspondence & Community Concerns' following the request of a member of Council.
- (a) Written correspondence addressed to Council which relates to matters that fall within the scope of responsibility of a particular City department will be referred directly to the Director of that department by the City Manager.

Proceedings at Regular Meetings (afternoon)

- 4.8 The following person(s) shall be permitted the opportunity to make a presentation to Council, to a maximum of five (5) minutes, to express their views regarding an application under consideration by Council on a Regular Monday meeting agenda:
- (a) the owner or applicant, or their representative, whose Land Use development application has received a negative recommendation by staff, or
 - (b) any tenant(s) or their representative who deem their interest to be affected by a multiple housing strata conversion application.

Proceedings at Committee of the Whole Meetings

- 4.9 A delegation may be invited by Council to appear at a Committee of the Whole Meeting to speak to an agenda item, with a presentation time limit set by Council.
- 4.10 Public input may be permitted on an item scheduled to an open Committee of the Whole agenda, to a maximum of five (5) minutes per person, group, organization, body or delegation. Public input is not permitted on any items not on the Committee of the Whole agenda.

Proceedings at Public Hearings

- 4.11 All persons with an interest in the proposed bylaw which is the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name and address, and the name and address of the person or body they represent (if applicable).
- 4.12 The City Clerk shall make available 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 after the date of required statutory notification of the public hearing. All correspondence or information received prior to that date shall be available through the Land Use Management Department.
- 4.13 The Mayor or presiding member shall only entertain submissions that are germane to the purpose of the proposed bylaw under discussion.
- 4.14 Presentations by an owner or applicant shall be limited to a maximum of fifteen (15) minutes. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing, and if possible electronically, to the Office of the City Clerk by 12:00 pm (noon) on the Wednesday preceding the public hearing so that the information can be copied to Council as part of the agenda package.
- 4.15 Presentations by members of the public shall be limited to a maximum of five (5) minutes each. If a person has additional information that he is unable to provide within that time frame, he shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in section 4.11 of this bylaw, speakers shall be encouraged to confine their comments to new information.
- 4.16 The owner or applicant shall be given an opportunity limited to responding to comments or questions raised during the public hearing only before the hearing is closed on their application. The response shall be limited to a maximum of ten (10) minutes.
- 4.17 Notwithstanding time limits for presentations set out in sections 4.14, 4.15 and 4.16 of this bylaw, Council may ask questions of any presenter and of staff for clarification purposes. Debate on the bylaw shall take place at a regular meeting of Council following the public hearing when the bylaw is presented for reading consideration.”

6. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, paragraph 5.2 be amended by deleting the words “12:00 noon” after the words “must be delivered to the City Clerk prior to” and replacing it with the words “12:00 pm (noon)”;
7. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, be amended by deleting in it's entirety paragraph 5.4(a) and replaced with the following:

“(a) Monday Regular Meeting (morning)

- Call to order
- Appointment of member to check minutes
- Reports
- Issues Arising From Correspondence & Community Concerns
- Resolution to approve those items on the agenda proposed for a closed meeting pursuant to the *Community Charter* and to close the meeting to the public
- Closed session
- Termination”

8. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, be amended by deleting in it's entirety paragraph 5.4(b) and replaced with the following:

“(b) Monday Regular Meeting (afternoon)

- Call to order
- Appointment of member to check minutes
- Public in attendance
- Committee Reports
- Unfinished business
- Development application reports
- Bylaws (zoning and development related, including information reports for bylaws to be adopted)
- Non-development application reports
- Resolutions
- Bylaws (other than zoning and development related)
- Mayor and Councillor Items
- Termination

9. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, be amended by deleting in it's entry paragraph 5.4(c) and replaced with the following:

“(c) Tuesday Regular Meeting (following Public Hearing, if applicable)

- Call to order
- Prayer
- Confirmation of minutes
- Appointment of member to check minutes

- Bylaws considered at public hearing
- Liquor license application reports
- Development permit, development variance permit and Provincial Referral Reports
- Unfinished business
- Reports
- Resolutions
- Bylaws
- Reminders
- Termination”

10. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, paragraph 5.7 be amended by adding the words “Mayor and” before the words “Councillor Items”;
11. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, paragraph 5.9 be amended by deleting the words “15 minutes” before the words “of the time specified for the Council meeting,” and replace it with the words “fifteen (15) minutes”;
12. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Agenda Preparation and Order of Proceedings**, paragraph 5.10 be amended by deleting the words “15 minutes” before the words “of the time specified for the Council meeting,” and replace it with the words “fifteen (15) minutes”;
13. AND THAT **PART 5 – RULES OF PROCEDURES AT COUNCIL MEETINGS**, sub-section **Reconsideration**, paragraph 5.35 be amended by deleting the words “one month” before the words “of a Council decision,” and replace it with the words “one (1) month”;
14. AND THAT **PART 9 –COUNCIL MEETINGS**, sub-section **Duties of Other Committees**, be amended by deleting the heading and paragraphs 9.7 and 9.8 in their entirety and replacing them with the following:
“Duties of Other Committees

9.7 Other Committees must consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council as defined by the Terms of Reference for that Committee.

9.8 Other Committees must report and make recommendations to Council at least annually as specified by the Terms of Reference or at the request of Council.”
15. AND THAT **PART 9 –COUNCIL MEETINGS**, sub-section **Location and Schedule of Committee Meetings**, be further amended by deleting the word “resolution” in paragraph 9.9 and replacing it with “motion”;
16. AND THAT **PART 9 –COUNCIL MEETINGS**, sub-section **Notice of Committee Meetings**, sub-paragraph 9.13 be amended by deleting the sub-paragraph in its entirety and replacing it with the following:

“9.13 At least three (3) days before a regularly scheduled committee meeting, or at least one (1) day before an additionally scheduled committee meeting, public

notice must be given of the time, place, and date of the meeting by way of a notice posted on the Notice Board at City Hall.”

17. AND THAT **PART 9 –COUNCIL MEETINGS**, sub-section **Notice of Committee Meetings**, paragraph 9.14 be amended by deleting the words “one day” before the words “before a committee meeting,” and replace it with the words “three (3) days”;
18. AND THAT **PART 9 –COUNCIL COMMITTEES**, section **Attendance non-Committee Members at Committee Meetings** and replacing it with the following and re-number sub-sequent sub-paragraphs:
 - “9.15 Council members who are not members of a committee may attend the meetings of the committee.
 - 9.16 Unless a meeting or part of a meeting of a committee is authorized to be closed to the public by the *Community Charter*, all meetings of committees shall be open to the public.
 - 9.17 A person, other than a Committee member or an officer or employee of the City, shall only address the committee during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the committee has passed a motion to hear from that person at that time.”
19. AND THAT **PART 9 –COUNCIL COMMITTEES**, sub-section **Quorum**, be amended by adding a new sub-paragraph 9.21 as follows and renumbering subsequent paragraphs:
 - “9.21 If there is no quorum of Committee present within fifteen (15) minutes of the time specified for the Committee meeting, the Committee Recording Secretary shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.”
20. This bylaw may be cited as "Bylaw No. 10326, being Amendment No. 4 to Council Procedure Bylaw No. 9200".
21. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this day of , 2010.

Adopted by the Municipal Council of the City of Kelowna this day of , 2010.

Mayor

City Clerk