

TO: CHAIR AND MEMBERS
EXECUTIVE COMMITTEE OF COUNCIL

DATE: 2021 October 18

FROM: CITY CLERK

SUBJECT: ATTENDANCE OF NON-MEMBERS AT BOARD, COMMITTEE AND
COMMISSION MEETINGS

PURPOSE: To provide a response to the Committee's request for a report outlining procedures for non-member attendance at Committee or Commission meetings.

RECOMMENDATION:

1. **THAT** this report be received for information.

REPORT

1.0 INTRODUCTION

The Executive Committee of Council, at the Open meeting held on 2021 October 05, requested staff prepare a report outlining procedures in Committee or Commission meetings for members of Council who attend a meeting to which they are not an appointed member.

2.0 POLICY SECTION

This report aligns with the following goal and sub goal of the Corporate Strategic Plan:

Goal

- A Thriving Organization
 - Communication –
Practice open and transparent communication among staff, Council and the community

3.0 CURRENT PROCEDURES

Council members who are not appointed to a Committee or Commission as a member may attend any meeting of the Board, Committee or Commission as an observer. As a member of Council, they have access to all meeting materials that are provided to

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appointed members of a Committee or Commission. Currently, the City's two Boards are the Board of Variance and Burnaby Public Library Board. Since they are independent entities, Council would have access to these Board's Open meeting materials.

In accordance with Section 31(2) of the Procedure Bylaw, the rules of procedure and order for Regular Council meetings apply to Board, Committee and Commission meetings (subject to the other rules contained in Section 31). These rules allow members to attend, speak to, raise points of order and privilege, and make, second and vote on motions in meetings. In the case of Board, Committee and Commission meetings, a "member" is defined as "a person appointed as a member of that committee, board or commission".

The City's Procedure Bylaw does not specifically provide for or recognize non-members who attend Board, Committee or Commission meetings to which they are not appointed as members. The participation of these Council members are governed by the procedures for those attending a meeting generally. In particular, Sections 19(2) to (5) of the Procedure Bylaw provide as follows:

- (2) No person attending a meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- (3) No member or person permitted or invited to speak on any matter coming before Council [committee, board or commission] may use any rude or offensive language or, by tone or manner of speaking, express any point of view or opinion or make any allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.
- (4) If a person resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council [committee, board or commission], that person may be removed by the Clerk or, if necessary by a peace officer at the direction of the Mayor or other person presiding.
- (5) No person attending a meeting may address the Council [committee, board or commission] on any item of business on the agenda unless the Council [committee, board or commission], by unanimous resolutions of those present and voting, agrees to allow that person to address it.

Based on the current provisions in the Procedure Bylaw, Council members who attend Committee or Commission meetings to which they are not appointed as members do not have a status other than as an observer at the meeting. Since most Committee or Commission matters are referred to Council for consideration, the non-member will have an opportunity to speak to, make motions and vote on the matter at the Council meeting.

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4.0 OPTIONS FOR ADDITIONAL RULES OR PROCEDURES

If Executive Committee of Council wishes to recommend more specific rules or procedures to address non-member attendance at Committee and Commission meetings, a motion to request Council consider amending the Procedure Bylaw to include additional rules or procedures would be required. The motion can request Council consideration of one or more of the following:

- recognize permission for Council members to attend Open and Closed Committee or Commission meetings to which they are not appointed as members, and attend any Open meeting of a Board;
- re-affirm the restriction on non-members voting on any resolution or matter before the Board, Committee or Commission;
- restrictions on the non-member's permission to speak, make motions or raise points of order or privilege at the Board, Committee or Commission meeting.

If approved by Council, a bylaw amendment can be brought forward to add these rules or procedures to Section 31 of the Procedure Bylaw, which currently reads as follows:

31. (1) The rules of procedure in this section govern every committee, board or commission.

(2) Subject to the other rules contained in this section, the rules of procedure and order which govern Regular Meetings of Council govern every committee, board or commission meeting.

(3) The number of times a member may speak on any matter is not limited.

(4) A member of the public may be invited by the Chair to speak to the committee, board or commission on a matter before the committee or commission.

(5) Without limiting subsection (2), the Chair shall have the same powers with respect to a committee, board or commission meeting as the Mayor has under section 19 (4) with respect to a Council meeting.

5.0 CONCLUSION

Members of Council not appointed to a Board, Committee or Commission are permitted to attend any such meeting as an observer. However, the Procedure Bylaw does not provide a right for the non-member to speak to, raise points of order and privilege, and make, second and vote on motions or resolutions at the meetings.

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If Executive Committee of Council wishes to amend the Procedure Bylaw to include specific rules and procedures in respect to non-member attendance at Board, Committee and Commission meetings, a motion recommending Council consideration of an amendment to the Procedure Bylaw would be required.


Blanka Zeinabova
CITY CLERK

Copied to: Chief Administrative Officer
Deputy Chief Administrative Officer / CFO
Director Corporate Services
City Solicitor