

Attachment 6

Revised Notice of Motion Policy



NEW WESTMINSTER

SUBJECT: NOTICE OF MOTION PROCESS POLICY		
DEPARTMENT: Mayor and Councillors	DOC # 2600023	VERSION: 2

PURPOSE

To provide a process for members of Council to follow to place a Notice of Motion on a Regular Council agenda for consideration by Council. A Notice of Motion is the tool that Council members can use to bring topics forward for consideration at an upcoming Regular Council meeting.

PROCESS

- 1.0 If a Member of Council brings forward a Notice of Motion, the following policy must apply.
- 2.0 This policy must apply to any Notice of Motion, whether the Notice of Motion submitted for an open meeting or a closed meeting of Council.

Part 1 – Structure and Content of Notice of Motion

- 3.0 A Member of Council must provide the following details in the Notice of Motion:
 - 3.1 The topic or subject matter;
 - 3.2 Whether the topic is to be considered in open or closed session. In the case of a closed session, the applicable subsection of section 90 of the *Community Charter* must be provided;
 - 3.3 Whether the topic adheres to any City's/Council's strategic plans in effect at that time or an emergent or unforeseen issue;
 - 3.4 Any recitals (the "Whereas" clauses); and
 - 3.5 The desired outcome within the resolution clause, being stated succinctly and in simple action oriented terms.
- 4.0 If recitals (the "Whereas" clauses) are included, the Member of Council must adhere to the following criteria:
 - 4.1 There be no more than 3 recitals in total in a Notice of Motion.
 - 4.2 The content of the recitals shall indicate the following:
 - 4.2.1 What is the issue or situation to be addressed;
 - 4.2.2 What is causing the issue or situation to be a concern; and
 - 4.2.3 How the resolution is the best way to resolve the concerns arising from the issue or situation.
- 5.0 A Notice of Motion must:
 - 5.1 Be limited to one topic;
 - 5.2 Contain a motion that can be debated by Council;
 - 5.3 Avoid the use of ambiguous terms;

- 5.4 Conform to the City's Code of Conduct Bylaw and the Respectful Workplace and Human Rights Policy;
 - 5.5 Contain factual background information;
 - 5.6 Not include comments pertaining to City personnel in a personal capacity; and
 - 5.7 Not include comments pertaining to an identifiable individual in a personal capacity, unless recommending them for an award, or a position on a committee, or a similar type of recognition.
- 6.0 The Notice of Motion must not include any discussion or content pertaining to a closed meeting unless:
- 6.1 The Notice of Motion is to be considered in a closed meeting; or
 - 6.2 Council has authorized release of that discussion or content by a motion passed at a closed meeting.
- 7.0 The Member of Council may seek assistance from Legislative Services staff at any time in developing the Notice of Motion.

Part 2 – Submission of the Notice of Motion

- 8.0 The Member of Council must submit the Notice of Motion to the Corporate Officer, with a copy to the Mayor and the Chief Administrative Officer, minimum of 8 business days prior to a Regular Council meeting¹.
- 9.0 A seconder is not required for a Notice of Motion to be submitted to the Corporate Officer.
- 10.0 If a Member of Council seconds a Notice of Motion, both Members of Council listed on the Notice of Motion are deemed to have jointly submitted the Notice of Motion for the purpose of any limits on the number of Notices of Motion.
- 11.0 A meeting means the evening Regular Council meeting and the Closed meeting but does not include Committee of the Whole, Workshop, an open meeting only to go into closed, or a Special Council meeting.
- 12.0 There is a maximum of **two (2)** Notices of Motion on a Council meeting agenda and a member of Council may only submit one Notice of Motion per Regular Council meeting. **Each Council member may submit up to a maximum of five (5) Notices of Motion per calendar year.**
- 12.1 Once the maximum number of Notices of Motion on a given Council meeting agenda has been reached, the Corporate Officer will refer any subsequent Notice of Motion to the next available scheduled Regular Council meeting.**

¹If there is a statutory holiday, that day does not count in the total number of business days.

- 12.2 Section 12 of the Policy shall be reviewed by Council within 12 months of this Policy being approved.
- 13.0 If two or more Members of Council each submit a Notice of Motion on the same or similar topic, staff will work with the Members of Council involved to combine the Notices of Motions, where possible.
 - 13.1 If the Notices of Motions can be combined into one Notice of Motion, it will be deemed as one notice of motion from one Member of Council. But both names will be included with a note that it has been jointly submitted.
 - 13.2 If it is not possible to combine the Notices of Motions, then all of the Notice of Motions on the same or similar topic will be placed on the Agenda in the order of date and time when they were received by the Corporate Officer.

Part 3 – Handling of the Notice of Motion Prior to Inclusion on the Agenda

- 14.0 The Corporate Officer and City Solicitor must review the Notice of Motion with consideration of the following:
 - 14.1 Compliance with the City’s Code of Conduct Bylaw and the Respectful Workplace and Human Rights Policy;
 - 14.2 Conformity to the law;
 - 14.3 Accuracy of the legislative references;
 - 14.4 In light of any applicable existing bylaws and policies; and
 - 14.5 In light of prior Council dealings with the subject matter.
- 15.0 During the review of the Notice of Motion, the Corporate Officer must consult with:
 - 15.1 The Mayor;
 - 15.2 The Chief Administrative Officer; and
 - 15.3 The City Solicitor.
- 16.0 The Corporate Officer may consult with any other persons during the review of the Notice of Motion.
- 17.0 If there are any concerns arising from the review, the Corporate Officer or individuals named in section 15.0:
 - 17.1 May adjust the wording of the Notice of Motion to ensure compliance with the City’s Code of Conduct, Respectful Workplace and Human Rights Policy, the law, bylaws, or policies; and
 - 17.2 Must discuss the concerns with the Member of Council prior to placing the Notice of Motion on the agenda.
- 18.0 After the review of the Notice of Motion and upon the resolution of the concerns, if any, with the Member of Council, the Corporate Officer must place the Notice of Motion on the agenda for:

- 18.1 The upcoming meeting, provided that the concerns have been addressed in time prior to the distribution of Council package to Council for that meeting; or
- 18.2 The subsequent upcoming meeting, if the concerns have not been addressed in time prior to the distribution of the Council package.

Part 4 – Handling of the Notice of Motion at a Council Meeting

- 19.0 At the applicable point in the meeting when the Notice of Motion appears before Council for the first time, the Mayor will invite the Member of Council who submitted the Notice of Motion to read out the motion contained in the Notice of Motion.
- 20.0 At the meeting when the Notice of Motion appears before Council for the first time, the Members of Council must not discuss nor vote on the Notice of Motion.
- 21.0 At the subsequent meeting when the Notice of Motion appears before Council, the Notice of Motion will be considered under “Motions from Members of Council.”
- 22.0 At the subsequent meeting when the Notice of Motion appears before Council, the Mayor will invite the Member of Council who submitted the Notice of Motion to move the motion and seek a seconder for the motion.

RELATED

Procedure Bylaw 6910, 2004

APPROVAL HISTORY

March 13, 2023

APPROVED BY:	DATE:
---------------------	--------------