

**CITY OF WHITEHORSE**  
**BYLAW 2016-47**

A bylaw to provide rules governing council procedures

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WHEREAS section 210 of the *Municipal Act* provides that:

- council shall by bylaw make rules for governing its procedures, including the calling of meetings, the appointment of members of council to council committees, and any other matter that relates to the efficient administration of council's decision-making process or council meetings; and
- no bylaw relating to council procedures shall be amended except under notice given in writing to the members of council and openly announced at the regular meeting of council preceding the first reading of the amendment; and
- a council must govern itself in accordance with any bylaw that it makes to govern its procedures;

AND WHEREAS section 190 of the *Municipal Act* provides that council may establish council committees and appoint members of council to such council committees;

AND WHEREAS section 190.01 of the *Municipal Act* provides that a council committee:

- is an advisory body only; and
- must consider only the matters referred to it by council; and
- may act only by passing a resolution that is approved by a majority of its members;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

**SHORT TITLE**

1. This bylaw may be cited as the "**Council Procedures Bylaw**".

**DEFINITIONS**

2. Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.
3. In this bylaw,  
"administration" means the employees of the city.  
"bias" means a mental tendency or inclination which, for the purposes of this bylaw, may result in members of the public questioning the fairness of council process, and includes a council member prejudging a matter to be decided to the extent of being no longer capable of persuasion.

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"business day" means a day on which city offices are open for business.

"City" means the corporation of the City of Whitehorse.

"City Manager" means the Chief Administrative Officer for the city or a designate, appointed by council in accordance with the *Municipal Act* and as determined in the City Manager Bylaw.

"committee" means a committee appointed by council to provide advice and make recommendations to council, and may include a commission, task force or working group.

"committee of the whole" means a committee of the whole council where no bylaw or motion, apart from the motion necessary to revert back to an open meeting, may be passed.

"council" means the duly elected council of the City of Whitehorse.

"impartial" means not favouring one side or opinion more than another.

"in-camera" means a meeting closed to the general public or municipal employees as deemed appropriate in accordance with section 213 of the *Municipal Act*.

"meeting" means a duly constituted regular, special or standing committee meeting of council where municipal business is conducted or issues are discussed.

"member" means a member of council, duly elected and continuing to hold office.

"motion" is a standard terminology used by council to describe the original statement used to bring business before a meeting, and may also mean resolutions.

"*Municipal Act*" means Chapter 154 of the Revised Statutes of the Yukon, 2002 as amended from time to time.

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

"point of order" means an infraction of the rules or improper decorum in speaking, and must be raised immediately after the error is made.

"presiding officer" means the mayor, deputy mayor or committee chairperson who presides over council and/or committee meetings.

"public hearing" means an opportunity for council to hear and consider all submissions respecting a proposed bylaw as required by legislation.

"public input" means an opportunity, provided by council but not required by legislation, for citizens to provide information, facts, figures, data and opinions respecting a bylaw or issue under consideration by council.

"umbrella chair" means the mayor or deputy mayor who is present and in the chair at the start of a standing committee meeting. The umbrella chairperson chairs the delegations portion of the meeting and passes the chair to each standing committee chair or vice-chair as the case may be.

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## APPLICATION

4. The following rules shall be observed and shall be the rules and regulations for the order and conduct of business in all regular and special meetings of council, all in-camera meetings of council, all committee of the whole meetings and all council committee meetings.
5. Where the rules of this bylaw do not provide, the current edition of Robert's Rules of Order Newly Revised shall be followed for governing the proceedings of council and the conduct of its members.

## CONDUCT OF COUNCIL MEMBERS

6. All proceedings of council and the transaction of the business of council shall be done in a manner consistent with the principles of the *Standards for Council Members*, attached hereto as Appendix "A" and forming part of this bylaw.
7. All members of council will at all times:
  - (1) Be respectful of citizens, delegates at meetings, administration and each other, including being respectful of each other's right to hold different and diverse views;
  - (2) Reserve decisions until after public input, administrative input and council debate are completed;
  - (3) Act with impartiality and integrity; and
  - (4) Make all decisions in the best interests of the community as a whole.

## QUORUM AND VOTING

8. A quorum shall consist of a majority of the whole council or whole committee.
9. If a quorum is not present within 15 minutes after the time fixed for a council or committee meeting, the meeting shall be rescheduled.
10. When a member participating electronically is necessary for the formation of a quorum, the meeting shall be deemed adjourned if at any point the electronic connection is broken. No further business may be conducted unless the electronic connection is re-established.
11. Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
12. If a member refuses to vote, fails to vote, or abstains from voting on an issue, the member shall be deemed to have voted in favour of the matter except where the member abstaining is prohibited from voting pursuant to the *Municipal Act*.
13. Members participating electronically must vote audibly to allow other members and the designated municipal officer to record the vote.

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14. Every member of council present shall vote on every matter unless,
  - (1) In a specific case the member of council is excused from voting by resolution of council, or
  - (2) The member of council is disqualified from voting by reason of declaring a conflict of interest or having a pecuniary interest in the matter under consideration.
15. Where a member of council is excused or disqualified from voting in accordance with section 14 of this bylaw, the designated municipal officer shall record such in the minutes.
16. The designated municipal officer shall record in the minutes if a vote is carried unanimously, and if the decision is not unanimous, shall record the number of members who voted for and against each motion.
17. Wherever the vote is not unanimous, the designated municipal officer shall record who voted in favour and who voted against the motion.

### Conflict of Interest

18. All members are expected to maintain an attitude of impartiality and exhibit a lack of bias with respect to matters brought forward to council or committee.
19. Members of council will comply with all the provisions of the *Municipal Act* with respect to disclosure of interest and conflicts of interest.
20. Members of council will give early consideration to each matter to be considered by council or committee to ascertain if they have an interest or a conflict of interest.
21. If members of council consider that they have or might reasonably be perceived to have an interest in a matter before council or committee, they shall declare such interest at the start of the meeting at which it will be considered. Such interest shall be declared on every occasion that the matter is considered by council or committee.
  - (1) Where such interest is non-pecuniary and not a conflict of interest, the council member may vote on the matter.
  - (2) Where a council member has an interest in a matter that is non-pecuniary and the member considers that his personal interest may be in conflict with his public duty to act impartially and in the interest of the whole community, the council member shall declare a conflict of interest.
  - (3) Where such interest is a pecuniary interest, the council member shall declare that he has a conflict of interest.
  - (4) When a member of council declares a conflict of interest he shall not participate in consideration of any question in relation to the matter. The council member shall leave the room in which the meeting is being held during any discussion of the matter and shall not vote on the matter.

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22. When a member of council declares an interest, or declares a conflict of interest and leaves the meeting, the designated municipal officer shall record any such declaration in the minutes.
23. Members of council who are shareholders, officers or directors of a corporation that has dealings or contracts with the municipality shall not participate in council's consideration of any question in relation to the corporation, and shall not vote on any such question.
  - (1) Members of council who are party to dealings or contracts with the municipality or are members of a partnership that has dealings or contracts with the municipality shall not participate in council's consideration of any question in relation to the dealings or contract, and shall not vote on any such question.
  - (2) Members of council who are members, shareholders, officers, or employees of a **society** that has dealings or contracts with the municipality shall declare their relationship to the society or not-for-profit corporation before participating in council's consideration of any question in relation to the society, or voting on any question in relation to the society.
24. Upon disqualification in accordance with sections 23 and 23(1) of this bylaw, a council member shall leave the meeting room while discussion of the matter takes place.
25. The designated municipal officer shall record in the minutes any such disqualification and the reasons thereto.

### Electronic Participation at Meetings

26. A member may participate in a meeting by electronic means and be considered to be in attendance at the meeting. The member must provide notice, including a telephone number where the member can be reached, to the designated municipal officer prior to 4:00 p.m. on the day of the meeting.
27. If a member is the regular chairperson of a council committee, the member must be physically present to chair the meeting.

### Control and Conduct of Meetings

28. The mayor must act as the presiding officer at each council meeting at which he is present.
29. Council members shall pay respect to the presiding officer at meetings.
30. At all meetings of council the presiding officer shall maintain order and decorum and decide all questions of order subject to appeal to council as a whole by a vote. The duties of the presiding officer at a council meeting are to:
  - (1) Maintain control by holding or passing the chair;
  - (2) Be impartial;

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- (3) Preserve order and encourage council members who stray from the topic to stay focused on the issue being debated;
  - (4) Make decisions required to maintain order and preserve the decorum of the meeting;
  - (5) Determine which member has the right to speak;
  - (6) Rule when a motion is out of order; and
  - (7) Call a member to order if required.
31. When a point of order is called, all discussion shall cease until the point of order has been decided.
  32. When the presiding officer is called upon to decide a point of order or practice, the point shall be stated clearly and without unnecessary comment.
  33. A member may appeal a decision of the presiding officer made during that meeting, and the presiding officer shall cause the appeal to be voted upon by the other members present.
  34. Upon a matter of decorum or priority of business being appealed to the presiding officer, it shall be decided without debate.
  35. A member called to order by the presiding officer shall immediately cease speaking.
  36. The presiding officer shall treat each question in a judicial spirit, but shall not take part in the debate.
  37. The presiding officer may step down from the chair for the purpose of taking part in the debate, in which case the deputy mayor or another member may be called to take the chair.
  38. The presiding officer may give explanations or information within his knowledge from the chair, and may make recommendations from the chair with respect to the business being discussed.
  39. Any person, including any member, wishing to speak at a meeting shall address the chair and be recognized by the presiding officer before beginning to speak.
  40. When any member is raising points or questions on an issue under discussion, the member should address only one question at a time. The presiding officer may direct the order of other members before returning to any one member. Notwithstanding the foregoing, the presiding officer retains the right to allow more than one question at a time.
  41. When a person or a member is addressing the chair, every member shall remain quiet, shall not interrupt the speaker except on a point of order, and shall not carry on private conversation.
  42. Council members shall refrain from using cell phones, e-mail, or any other personal communication devices during the course of council or committee meetings.

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43. When any person, including a council or committee member, is addressing a meeting, that person shall obey the rules of procedure and shall not:
  - (1) Shout or immoderately raise his voice, or use offensive, vulgar or profane language; or
  - (2) Speak on matters other than the matter on the floor; or
  - (3) Make personal comments about any person, staff member, or member of council.
44. The presiding officer shall immediately censure any person who acts contrary to sections 41, 42, or 43 of this bylaw.
45. When a person has been admonished by the presiding officer the designated municipal officer shall record the same in the minutes of the meeting.
46. Any person, including a council or committee member, who acts contrary to sections 41, 42 or 43 twice in a meeting shall, on the order of the presiding officer, be excluded from the meeting and from the meeting room for the remainder of that meeting.
47. No exclusion of a member shall be for more than the meeting in progress.
48. Council and committee members are discouraged from appearing as delegates or as members of the audience at any regular council or standing committee meeting. However, in order to overcome any apprehension of bias, a member who chooses to participate in such fashion shall be required to withdraw from any discussion, debate, or vote on the subject under consideration.
49. The *Standards for Council Members* shall be used as the guiding document for the conduct of council members at all council and committee meetings.
50. Where a member wishes to leave council chambers for longer than five minutes while a meeting is in progress, the member shall advise the presiding officer before leaving his seat.
51. Once a question is put to vote, no member shall leave council chambers until the vote is taken.

### Regular Meetings

52. Council shall hold its regular meetings in council chambers at City Hall on the second and fourth Mondays of each month. All regular meetings shall be scheduled to begin at 5:30 p.m.
53. When the day fixed for a regular meeting of council falls on a legal holiday, the meeting shall be held on the following business day that is not a legal holiday.
54. Council may by resolution postpone or cancel any regular meeting of council.

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### Agendas

55. Notice for each meeting shall be given in the form of an agenda not less than 48 hours prior to the time of the meeting. A copy of such notice shall be:
  - (1) Delivered to each member of council at the place to which the member of council has directed such notices be sent;
  - (2) Posted in the city offices; and
  - (3) Sent to the local media.
56. All documents pertaining to the business listed on the agenda shall accompany the agenda when delivered to each member of council.
57. Documents pertaining to the business listed on the agenda shall be made available to the public by 4:00 p.m. on the last business day of the week prior to the meeting.
58. With the exception of the delegations section of the agenda, no business other than that stated in the regular meeting agenda shall be transacted at that meeting unless the members present unanimously pass a resolution to include such business.
59. An amendment to the delegations section of the agenda may be made by a resolution passed by a majority of all members present.
60. When a council meeting is called to order by the presiding officer, the following shall be the order of business on the agenda unless otherwise determined by unanimous consent of the members present at the meeting:
  - (1) Call to Order
  - (2) Adoption of Agenda
  - (3) Proclamations
  - (4) Adoption of Minutes
  - (5) Delegations
  - (6) Public Hearings
  - (7) Committee Reports
  - (8) New and Unfinished Business
  - (9) Bylaws
  - (10) Adjournment

### Special Council Meetings

61. Special meetings of council shall be called when requested in writing by the mayor or any two council members.
62. A notice of the day, hour, and place of the special meeting and the nature of the business to be transacted at the special meeting shall be given at least 24 hours before the time of the meeting by posting a copy of the notice at the municipal



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office and by leaving a copy of the notice for each member of council at the place to which the member has directed such notices to be sent.

63. No business other than that stated in the notice for such special meeting shall be transacted at that meeting unless all members of council are present and unanimously agree.

### Delegations

64. Any person or delegation wishing to appear before council or committee is requested to give notice, verbally or in writing, to the designated municipal officer by no later than 11:00 a.m. on the last business day of the week prior to the meeting.
- (1) Notwithstanding section 64, persons wishing to be heard at a council or committee meeting who did not register in advance may identify themselves to the designated municipal officer a minimum of five minutes before the start of the meeting and request that they be added to the agenda as delegates.
  - (2) Persons registering as delegates shall provide the designated municipal officer with their name, address and contact information, and shall provide the reason for registering as a delegate.
65. Persons or delegations addressing council shall be required to state their names and addresses and the purpose of their presentation.
66. Delegates to regular meetings of council may speak to any item that is on the regular meeting agenda for a decision, except that no delegates will be permitted to address an issue for which a public hearing has been declared closed.
67. Delegates to standing committee meetings may speak to any single topic during the delegations section of the agenda, and may be invited to participate in any discussion of the issue if it is on an individual standing committee agenda.
68. Delegates at any standing committee meeting who wish to speak to an issue for which the public hearing has been declared closed shall be denied the opportunity to speak.
69. The time of speaking for any person or delegation appearing before council or committee shall be limited to five minutes, and each delegate may speak to any topic only once per meeting. Notwithstanding this restriction, council may by majority vote agree to extend the time period for delegates who have given advance notice to the designated municipal officer that they have a presentation that will take longer than five minutes.
- (1) Council members may direct questions to delegates for clarification purposes only. The time period for the delegate to reply to each question shall be limited to five minutes.
70. Delegates may also participate in a regular or standing committee meeting by electronic means if arrangements to do so are made with the designated

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municipal officer prior to 4:00 p.m. on the day of the meeting at which they wish to speak.

71. Upon being recognized by the presiding officer, a member may direct questions to a delegate or to administration for clarification purposes only. At no time shall a member, a delegate or administration enter into discussion or debate during the delegation section of the agenda, and all parties shall refrain from comment on the issues being presented.
72. Upon the request of the presiding officer, any person disrupting the proceedings of council or committee shall be removed from council chambers.

### Public Hearings and Public Input Sessions

73. When a matter is on the agenda of a regular or special council meeting for the purpose of a public hearing or a public input session, any individual or delegation may appear without giving notice.
74. Any person who wishes to be heard in favour of or against the subject of the public hearing or public input session may be heard in person or by agent. A delegate may also participate in a public hearing or public input session by electronic means if arrangements to do so are made with the designated municipal officer prior to 4:00 p.m. on the day of the meeting at which the public hearing or public input session will be held.
75. The time of speaking for any person or delegation appearing at a public hearing or public input session shall be limited to five minutes, and each delegate may speak only once per public hearing or public input session. When council members direct questions to such persons or delegations for clarification purposes, the time period for the delegate to reply to each question shall be limited to five minutes.
76. The presiding officer shall call three times for appearances from the gallery, and should there be no appearances the presiding officer shall declare the public hearing or public input session closed.
  - (1) Public input sessions shall be declared closed by the presiding officer for the purpose of allowing the meeting to proceed to the next item of business. However, the closing of a public input session does not prevent council members from receiving further submissions on the subject, either in person or in writing, up to and including the date on which the matter is on a council meeting agenda for a decision.
77. When the presiding officer declares a **public hearing** closed, he shall advise that no further submissions on the subject will be considered by council except that provided by administration.
78. Written submissions with respect to any **public hearing**, including submissions by fax and e-mail, will be accepted at the office of the designated municipal officer up until 12:00 noon on the day set for the public hearing. Thereafter, written submissions may only be deposited with the designated municipal officer

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at the location specified for the public hearing, and before the public hearing is declared closed.

79. Written submissions with respect to any **public hearing** that are received at the office of the designated municipal officer after the deadlines set out in section 78 of this bylaw shall not be considered.
80. Notwithstanding the foregoing, if new information is received with respect to an issue for which a public hearing has been declared closed, a new public hearing may be held. Any member may make a motion to have a new public hearing scheduled.

### RULES OF ORDER GOVERNING COUNCIL MEETINGS

81. If a quorum of council is not present within 15 minutes after the time fixed for a regular or special meeting of council, the designated municipal officer shall record the names of the council members present and council shall stand adjourned until the next regular or special meeting.
82. If a member of council arrives late at a regular or special meeting or committee meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.
83. The presiding officer shall declare every regular or special meeting or committee meeting held in the evenings adjourned after three hours unless, by majority vote of the members present, it is determined otherwise.

### MINUTES

84. Minutes of all proceedings of council in regular, special and any committee of council meeting shall be recorded in accordance with the *Municipal Act*.
85. At every regular meeting of council the minutes of the previous regular meeting and any special meeting held more than 48 hours prior to the current meeting shall be considered for adoption.
86. At committee of the whole and standing committee meetings, minutes shall include resolutions to go in-camera, and to revert to open meeting. Resolutions are not used for any other business recorded in the minutes of committee of the whole or standing committee-meetings.
87. Notwithstanding section 86 of this bylaw, the chairperson at a standing committee meeting may at his discretion ask the members present for a "show of hands" with respect to whether or not an issue should be brought forward to a regular council meeting for a decision, or for requests to the City Manager for the allocation of resources for additional research or consultation.

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### STANDING COMMITTEES

88. Council may by bylaw establish such standing committees as may from time to time be deemed necessary, and shall make appointments to such committees annually by October 31 for the following year.
89. If a quorum is not present within 15 minutes after the time fixed for a standing committee meeting, the designated municipal officer shall record the names of the committee members present and the committee shall stand adjourned.
90. Each standing committee shall be composed of the whole council.
91. Six standing committees of council are hereby established as follows:
  - (1) Corporate Services Committee
  - (2) City Planning Committee
  - (3) Development Services Committee
  - (4) City Operations Committee
  - (5) Community Services Committee
  - (6) Public Health and Safety Committee
92. All standing committees will meet in council chambers at City Hall on the first and third Mondays of each month. Standing committee meetings will be scheduled to begin at 5:30 p.m.
93. When the day fixed for a standing committee meeting falls on a legal holiday, the meeting shall be held on the following business day that is not a legal holiday.
94. Council shall by October 31 of each year appoint from among the members of council the chairperson and vice-chairperson of each standing committee for the next year.
95. The standing committees shall meet in the order listed in section 91 of this bylaw except that the order of the committees shall be rotated on a six-month basis by moving the committee listed in sixth position to the top of the list. Such rotations shall take place for the first meeting in May and the first meeting in November in each year.
96. Notwithstanding the provisions of section 95 of this bylaw, council may, with the unanimous consent of all members present, choose to vary the order of the standing committees at any meeting. This may be done to accommodate issues of scheduling for staff or to re-prioritize issues that have attracted significant public interest or input.
97. All standing committee meetings shall be open to the public. Committees may, by majority vote, go in-camera in accordance with the provisions of section 213 of the *Municipal Act* when it is deemed to be in the best interests of the citizens of the city.

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98. All matters requiring the committee to go in-camera will be placed on a separate agenda to be discussed following the final regularly scheduled standing committee meeting.
99. The mayor shall chair the delegations section of the standing committee agenda. Persons registered as delegates at a standing committee meeting will be heard for all standing committees at the start of the meeting, immediately following any proclamations that may be scheduled. This does not preclude their participation in the discussion of an issue as provided for in section 67 of this bylaw.
100. The mayor shall be the umbrella chair of standing committee meetings and shall preside prior to, in between, and following any standing committee meeting, as required.
101. The chairperson of each committee shall submit to council in writing the report of that committee, and shall move the recommendations of the committee for council's consideration.
102. The general duties of the standing committees are as follows:
  - (1) All committees are considered to be advisory in nature.
  - (2) No committee has the power to pledge the credit of the city or commit the city to any particular action.
  - (3) No member of council shall give specific direction to any staff member at any committee meeting. The responsibility for giving specific direction to staff shall reside with the full council at a duly assembled meeting unless otherwise delegated to the City Manager.
  - (4) Committees shall review and make recommendations on all bylaws that deal with a subject matter of which the committee is in charge before the bylaws are presented to council.
  - (5) Should council wish to amend a bylaw that is coming forward from any committee for first reading, council shall make such amendments to the said bylaw during the "Committee Reports" portion of the agenda before it is given first reading.
103. The terms of reference for each of the six standing committees are attached hereto as Schedule "A" and form part of this bylaw.
104. Council shall review the terms of reference for each standing committee at least once in each term of office.

### MOTIONS IN COUNCIL

#### Main Motions

105. When a motion has been moved and seconded and has been stated or read, it shall be deemed to be in the possession of council, and may only be withdrawn by majority consent of the council members present.

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106. The designated municipal officer shall record that the motion has been duly moved and seconded, but the minutes shall not record the names of the mover and seconder.
107. Every motion or resolution shall be stated or read by the mover, who shall speak first to the motion and close debate on the motion.
108. When a member who has moved a motion closes the debate, the presiding officer shall put the motion to a vote.
109. When duly moved and seconded, a motion shall be open for discussion and debate. A member may speak to a motion a maximum of two times only unless council agrees to provide a member another opportunity to address the issue.
110. When the motion has been put to a vote, no member shall debate or comment further on the question or speak any words except to request that the motion be read aloud.
111. Unless the presiding officer is overruled by a majority vote of the members present at the council meeting, the presiding officer shall determine when a motion is to be put and the presiding officer's decision shall be final.
112. The mover and seconder of any motion may speak and vote for or against any motion.
113. When required by the presiding officer, a motion shall be in writing and a copy shall be given to the designated municipal officer before such motion shall be open for consideration.
114. When a motion under consideration concerns two or more specific matters, any member of council may request that the vote upon each matter be taken separately.
115. Any member of council may require the motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member who is speaking.
116. When a motion is tabled but is not finally settled, no similar or conflicting motion whose adoption would restrict council in acting on the first motion may be introduced.
117. Any motion which has the effect of changing or nullifying a previous action or direction of council shall not be brought up unless in accordance with provisions in this bylaw to reconsider, alter or rescind. (See sections 135 and 136)
118. No motion other than an amending motion or a motion to table, postpone or refer shall be considered until any motion already before council has been disposed of.
119. A motion is not required to adjourn a meeting. The presiding officer shall declare a meeting adjourned when there is no further business on the agenda.

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### Motion to Table

120. A motion to table shall be used only to temporarily set aside an issue and bring it back at the same meeting.

### Motion to Postpone

121. A motion to postpone passed by a majority of council members present may postpone any motion in possession of council.
122. A member who is moving a motion to postpone may include in the motion:
- (1) The terms on which the motion is being postponed
  - (2) The time when the matter postponed is returnable; and
  - (3) Whatever explanation is necessary to support the purpose of the motion.
123. Any motion postponed to a specified date shall appear on the agenda for that meeting and be considered as an item of unfinished business at that meeting.
124. Unless otherwise specified, a postponed motion shall be on the agenda of the next regular meeting as an item of unfinished business.
125. When duly moved and seconded, a motion to postpone shall be open for discussion and debate. A member may speak to a motion to postpone a maximum of one time only.

### Motion to Amend

126. A motion to amend an original motion may be made by any member of council.
127. Amendments shall be voted on in reverse order to that in which they are moved.
128. Every amending motion shall, when requested by the presiding officer, be in writing, and shall be decided on or withdrawn before the original motion is put to a vote.

### Motion to Refer

129. Any member of council may move to refer an original motion to administration or committee in order that additional information may be brought to council prior to further consideration.
130. A member who is moving a motion to refer may include in the motion:
- (1) The terms on which the motion is being referred;
  - (2) The time when the matter referred is returnable; and
  - (3) Whatever explanation is necessary as to the purpose of the motion.

### Notice of Motion

131. A notice of motion may be given at any council or standing committee meeting, but may not be dealt with at that meeting.

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- (1) Notwithstanding the foregoing, if all members of council are present and unanimously agree, a notice of motion given at a regular council meeting may be discussed, debated, and voted on at that meeting.
  - (2) Council members should be cognisant of potential long-term consequences when considering voting on a notice of motion at the same meeting at which it is given. Under most circumstances, issues may be better addressed through the normal process.
132. A notice of motion shall be given verbally and in writing to all members of council present. A copy of such notice of motion shall be given to the designated municipal officer upon adjournment of the meeting at which the notice was given.
  133. Every notice of motion shall precisely specify the entire content of the motion to be considered.
  134. Unless another date is specified in the notice of motion, the designated municipal officer shall include the subject referred to in the notice of motion under New and Unfinished Business on the agenda of the next regular council meeting. If another date is specified in the notice of motion, the item shall be included under New and Unfinished Business on the regular council agenda for the date specified.

### Motion to Reconsider, Alter or Rescind

135. A question once decided shall not, during a period of one year after the decision, be reversed, reconsidered or rescinded unless a written notice of motion to do so has been given from one regular council meeting to the next and a clear majority of the whole council votes in favour of revisiting the decision.
136. Notwithstanding anything provided in section 135, where pursuant to any motion duly passed by council the city has a contractual liability or obligation, council shall reconsider, alter, vary, revoke, rescind or replace the motion only in exceptional circumstances, and every effort shall be made so as to not to interfere with that liability or obligation.

### Debate on Motion

137. No member shall speak to the same question or in reply for longer than three minutes without the consent of the presiding officer.

### PASSAGE OF BYLAWS

138. Every bylaw shall have three distinct and separate readings before it is adopted, but no more than two readings may take place at any one meeting of council.
139. Council shall vote on the motion for first reading of any bylaw without amendment or debate.
140. When all amendments have been accepted or rejected, the motion for second reading of the bylaw as amended shall be considered.



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141. When a bylaw is scheduled for second and third reading at the same meeting, council may consider postponing third reading to a subsequent meeting when the bylaw is amended at second reading.
142. When a bylaw has received third reading and been passed, the presiding officer shall declare the bylaw adopted.

### Enactment

143. After council votes affirmatively for third reading of a bylaw, it becomes a municipal enactment of the city and is effective immediately unless the bylaw provides otherwise.
144. After passage, a bylaw shall be signed by the presiding officer of the meeting at which it was passed and by the designated municipal officer, and shall be embossed with the corporate seal of the city.
145. A bylaw that requires the approval of the Minister shall receive two readings prior to the submission of a certified copy to the Minister. Written approval from the Minister shall be received prior to third reading unless the 45-day review period as provided for in the *Municipal Act* has expired.
146. In accordance with the provisions of the *Municipal Act*, the previous readings of a proposed bylaw are rescinded if the bylaw does not receive third reading within two years after first reading.

### PROCEDURES FOR THE CONDUCT OF APPEALS

147. Where a matter is appealed to council in accordance with any bylaw or Act, the proceedings shall be heard by council in a committee of the whole meeting.
148. The mayor shall be the presiding officer at committee of the whole meetings called for the purpose of hearing appeals.
149. A notice of the day, hour, and place of the committee of the whole meeting and the nature of the business to be transacted at the meeting shall be given at least 24 hours before the time of the meeting by posting a copy of the notice at the municipal office and by leaving a copy of the notice for each member of council at the place to which the member has directed such notices to be sent.
150. No business other than that stated in the notice for such committee of the whole meeting shall be transacted at that meeting.
151. Upon the committee of the whole meeting being called to order the by presiding officer, the following shall be the order of business on the agenda unless otherwise determined by unanimous consent of the members present at the meeting:
  - (1) Adoption of the agenda
  - (2) Presentation from administration – administration will present the administrative report providing details of the issue, background information, and the reason for the appeal.

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- (3) Questions from council members – the presiding officer will ask if council members have any questions for administration. Such questions shall be used for clarification or investigation purposes only.
  - (4) Presentation from appellants – the presiding officer will call for delegations to speak to the appeal;
    - (a) Electronic participants, if any, will be asked to speak first;
    - (b) Delegates will be limited to five minutes for their presentations but should be prepared for questions from council members. Questions from council members shall be used for clarification or investigation purposes only;
    - (c) Each delegate will be limited to only one presentation, but delegates will be permitted to respond to questions that may arise.
  - (5) Clarification from administration – when all delegates have spoken, the presiding officer will ask if administration has any clarification to add in response to the presentations from the delegates.
  - (6) Clarification from appellants – the presiding officer will ask the appellants if they have any clarification to add.
  - (7) In-camera – the committee will go in-camera to deliberate and make a decision, and will leave council chambers for their deliberations.
    - (a) Only members of council and a legal representative, if desired by council, shall be present at the in-camera portion of the meeting.
    - (b) All persons present at the meeting apart from members of council will be invited to remain in council chambers while deliberations take place.
    - (c) If questions arise while members are deliberating, the committee will return to chambers to ask their questions in open meeting. When members have the answers they need, they will leave again to continue their deliberations in-camera.
  - (8) Open meeting – the committee will return to council chambers and revert to open meeting.
  - (9) Announcement – the presiding officer will announce that the decision of council will be brought forward for ratification at an open meeting and then communicated in writing to the appellant.
  - (10) Adjournment
152. The decision of council made at the in-camera meeting of the committee of the whole shall be brought forward for ratification at the next regularly-scheduled council meeting.

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- (1) Where council's meeting schedule does not permit timely ratification, the decision of council may be ratified at a special meeting called for that purpose at the discretion of council.
153. The appellant will be advised in writing within 60 days of council's decision on this matter unless a more restrictive time limit is specified in the bylaw or Act that provided for the appeal.

### REPORTS TO COMMITTEE

154. At a standing committee meeting in February of each year administration shall provide summary reports to the Corporate Services Committee on:
- (1) The attendance record of each member of council for the previous calendar year; and
  - (2) The travel undertaken by each member of council in the performance of his duties during the previous calendar year; and
  - (3) The expense claims submitted by each member of council with respect to the payment or reimbursement of expenses incurred in the performance of their duties as members of council during the previous calendar year; and
  - (4) The voting record of each member of council for the previous calendar year with respect to issues that came before council for a vote.

### REPEAL

155. Bylaw 2013-22, including all amendments thereto, is hereby repealed.

### COMING INTO FORCE

156. This bylaw shall come into full force and effect upon the final passing thereof.

<b>NOTICE OF INTENT GIVEN:</b>	November 28, 2016
<b>FIRST and SECOND READING</b>	December 12, 2016
<b>AMENDED</b> (Resolution 2017-03-07)	February 13, 2017
<b>THIRD READING and ADOPTION:</b>	February 13, 2017

ORIGINAL BYLAW SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"

Norma L. Felker, Assistant City Clerk

# Procedures Bylaw 2016-47

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## SCHEDULE "A"

### Standing Committee Terms of Reference

In addition to any other duties referred by council to the individual committees, the duties of the standing committees shall be to advise council on the matters listed herein.

#### Corporate Services Committee

- Matters relating to the receipt or payment of money by the Treasurer in accordance with all bylaws of the city and statutes of the Territory;
- Matters of finance including both operating and capital budgets;
- Matters relating to business and technology services;
- Matters relating to corporate communications;
- Policy development and review;
- Bylaw development and review;
- Legal claims;
- Matters of general governance; and
- Matters relating to personnel issues.

#### City Planning Committee

- The administration of the Zoning Bylaw and the Official Community Plan;
- Matters relating to land-based planning;
- Matters of property acquisition or disposal;
- Matters relating to leasing; and
- Matters relating to heritage and historical resources.

#### Development Services Committee

- Encouraging and promoting development, including economic development;
- Encouraging and promoting industrial and commercial growth;
- Liaison with other economic development bodies;
- Liaison and cooperation with local First Nations;
- Matters relating to building and plumbing codes;
- Matters relating to building construction and maintenance;
- Matters relating to local improvement initiatives;
- Matters relating to environmental protection; and
- Matters relating to the sustainability plan.

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## **City Operations Committee**

- Matters relating to the waterworks and sewage systems of the city and the property, distribution, and collection systems connected therewith;
- Matters relating to the construction and maintenance of city facilities;
- Matters relating to the construction and maintenance of streets, roads and highways;
- Matters relating to the waste collection services of the city and the maintenance of the waste disposal grounds under the control of the city;
- Matters relating to street lighting in the city; and
- Matters relating to fleet services.

## **Community Services Committee**

- The operation and control of all public parks and public recreation grounds and facilities and recommendations on the establishment of such parks and recreation grounds and facilities deemed necessary to carry on a comprehensive parks and recreation program;
- The encouragement, initiation and supervision of programs which include physical, social, artistic, group and intellectual recreation and audience entertainment while continually striving to meet the parks and recreation needs of the community;
- Co-operation with and encouragement of organizations and institutions within the city that are engaged in recreational or cultural pursuits or activities, whether such organizations and institutions are public, private, civic, social or religious, and co-operation with provincial and national groups or organizations that support and promote parks and recreation;
- Matters relating to Tourism;
- Matters relating to Sister City issues and events;
- Matters relating to the celebration of events and anniversaries in Whitehorse; and
- Matters relating to public transportation.

## **Public Health and Safety Committee**

- The prevention and suppression of fires;
- Policies relating to crime prevention and enforcement;
- Matters relating to safety issues and Emergency Measures;
- Matters relating to the enforcement of regulatory bylaws within the city; and
- Matters pertaining to animal control

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# **Procedures Bylaw 2016-47**

## **Appendix A – Standards for Council Members**

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Council members are the democratically elected representatives of the City of Whitehorse who form the municipal council.

Council is answerable to the overall community through democratic processes. This Code will assist council members in providing for the good government of the City of Whitehorse.

The community is entitled to expect that:

- (1) Council members represent the entire community and contribute to council's decisions and policy making;
- (2) The business of council is conducted with efficiency, impartiality and integrity;
- (3) Council members obey the spirit and letter of the law and, in particular, the provisions of all relevant statutes, regulations, local laws and instruments; and
- (4) The community's interests will always be given absolute priority over the private interests of council members.

Good governance and leadership requires many efficient processes and tools to assist the roles of representation, advocacy, decision-making, performance monitoring and teamwork. A Code of Conduct is a means of promoting a common understanding amongst council members regarding the expectations of conduct when representing council and in their dealings with the community, municipal staff, and one another.

Some of the other processes that complement the Code of Conduct include:

- (1) Strategic Planning
- (2) Financial Management and Budgeting
- (3) Service Planning
- (4) Communications and Public Relations Strategies
- (5) Meeting and Decision Making Frameworks

### **ROLE OF COUNCIL MEMBERS**

1. The primary role of members of council is to represent the community as a whole through the effective translation of the community's needs and aspirations into a future direction for the municipality.
2. The municipal council is a corporate body and is the custodian of the assets of the municipality. A council member is part of the leadership team in which the community has placed its trust to make decisions on its behalf. The community is therefore entitled to expect high standards of conduct from its elected representatives.
3. In fulfilling their role as members of council, the activities of council members should focus on:
  - (1) Achieving a balance in the diversity of community views to develop an overall strategy for the future of the municipality;

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### **Appendix A – Standards for Council Members**

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- (2) Setting the objectives and determining strategies to achieve the corporate objectives identified in council's strategic plan;
  - (3) Making decisions that are in accordance with the strategic plan and in the best interest of the community as a whole;
  - (4) Providing clear direction to the City's senior management team on the nature and intent of council decisions;
  - (5) Achieving sound financial management and accountability in relation to the municipality's finances;
  - (6) Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
  - (7) Promoting economic and social development in the best interests of the municipality;
  - (8) Working with other governments and organizations to achieve benefits for the City of Whitehorse at local, Territorial and National levels;
  - (9) Monitoring performance against the strategic plan, including service outcomes and the performance of the city manager; and
  - (10) Having an awareness of the statutory obligations imposed on council members and on council as a whole.
4. These roles and activities are supported by the following principles of council members working collaboratively together by:
- (1) Respecting each other's right to hold different views and debate strongly on matters of difference while being united in representing council decisions;
  - (2) Respecting the right of each council member to speak and represent their views on the needs of citizens;
  - (3) Always speaking well of each other and of council in public;
  - (4) Demonstrating total commitment to consulting with other council members within the decision making framework and with no surprises;
  - (5) Respecting the diverse nature of council and its citizens;
  - (6) Supporting and having regard for the role of local government as an important sphere of government within Canada;
  - (7) Always being punctual to council meetings and civic events;
  - (8) Always behaving with appropriate decorum at council meetings and in public;
  - (9) Committing to a consultative approach to solving problems, developing effective decisions and communicating outcomes that build teamwork and cooperation; and

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### **Appendix A – Standards for Council Members**

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- (10) Demonstrating leadership by focusing on issues and refraining from personalizing matters, particularly in relation to making personal remarks regarding other council members, citizens or City staff.

#### **COMMUNITY REPRESENTATION AND EXPECTATION**

##### **Council Member Behaviour**

5. Local government prides itself on being the level of government closest to the people. Accessibility of council members at the community level means that their actions and behaviour are more closely monitored than that of their parliamentary counterparts. In performing their role as council members, the community expects that council members will comply with any laws and will be aware of their responsibility to comply with these agreed-upon rules of conduct.
6. Council members must act honestly and exercise reasonable care and diligence.
7. Council members must not make improper use of their position or of information acquired because of their position to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or to cause, or attempt to cause, detriment to council as a whole.
8. Additionally, council members will:
  - (1) Always be mindful of their responsibility to serve the best interests of the entire municipality;
  - (2) Be consistent in their decision making;
  - (3) Treat all matters on their individual merits;
  - (4) Review all materials and research provided by city staff prior to meetings;
  - (5) Attend all meetings of council and participate in the decision making process;
  - (6) Focus on making informed and reasonable decisions in an open and transparent way and in the best interests of the community;
  - (7) Be as informed as possible about the processes and strategic functions of council;
  - (8) Avoid situations that might create a conflict between their public and private roles.
  - (9) Keep the community informed about the activities and plans of council and report on a regular basis;
  - (10) Act reasonably and fairly in a manner that is not discriminatory; and
  - (11) Treat all members of the community honestly and fairly and in a way that does not cause offence or embarrassment to individuals or groups.



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## Appendix A – Standards for Council Members

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### Communications

8. As representatives of the community, council members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of council. There may be times when a council member, as an individual, disagrees with a final decision of council and wants the community to know that. Obviously council members are entitled to present their own views, but in doing so, council members should acknowledge that:
  - (1) They respect the decision making process that is based on a decision of the majority of council;
  - (2) An overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents council as effective and cohesive;
  - (3) The Mayor and City Manager are the designated persons authorized to speak to the media and others on behalf of council after a decision has been made on a council matter;
  - (4) Information of a confidential nature must not be communicated;
  - (5) Information relating to decisions of council on approvals, permits and so on should only be communicated in an official capacity by a designated officer of council; and
  - (6) Information concerning adopted policies, procedures and decisions of council must be conveyed accurately.

### Benefits and Gifts

9. Council members may incur expenses in performing their duties, and the *Municipal Act* and City Bylaws recognize this by providing for allowances and for the reimbursement of out-of-pocket expenses incurred while the council member acts on behalf of council.
10. Council members should:
  - (1) Only claim for expenses incurred while acting on behalf of council
  - (2) Use council facilities and equipment economically and efficiently;
  - (3) Not use council facilities, equipment and resources for personal benefit or for the benefit of any other person or organization;
  - (4) Ensure that council facilities and equipment are kept separate from similar resources that may be used in a council member's private business activities;
  - (5) Not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than of a token kind, or moderate acts of hospitality) for themselves or for any other person or

# Procedures Bylaw 2016-47

## Appendix A – Standards for Council Members

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body, relating to their status with council, or their performance of any duty or work which affects or concerns council; and

- (6) Hand over to the City Manager for the benefit of the City of Whitehorse any gifts that are accepted as a matter of courtesy on behalf of council.

### **Use of Information**

11. There is an expectation that council members will make reasonable and informed decisions on matters before council. In their decision making process council members are also privy to information that may at times be confidential or controversial. Council members need to:
  - (1) Be aware of and observe the provisions of the *Municipal Act* and the *Yukon Human Rights Act* relating to the treatment of confidential information.
  - (2) Be aware that they are only entitled to access information relevant to a matter before council;
  - (3) Be mindful that except on matters before council, they enjoy the same access rights to information as any other member of the community;
  - (4) Be prudent in the use of information that they acquire as council members, particularly with respect to confidential information;
  - (5) Observe and adhere to any specific policies that council has on the use of council information;
  - (6) Be careful not to use information in a way that can be detrimental to others; and
  - (7) Be careful not to use confidential council information to gain advantage for themselves or for any other person, or in a way that can be detrimental to any person or body or to council as a whole.

### **LEADERSHIP**

#### **Role of the Mayor**

12. The role, responsibilities and performance of the mayor has a critical bearing on the image of council, the good functioning of council chambers, and the cooperative relationships between council members and others. It is necessary that the mayor:
  - (1) Is seen as the first citizen of the City and takes precedence at all local civic functions;
  - (2) Is the official spokesperson for council together with the City Manager, and that each person respects the other's role in dealing with the media and other external bodies; and
  - (3) Acts with consistency and impartiality in council chambers when presiding over the proceedings of council.

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## **Appendix A – Standards for Council Members**

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### **Council Meetings**

13. Meetings are the principal means by which council members represent the citizens of the whole municipality. Meetings must focus on the business of council and provide an environment for transparent and healthy debate on matters requiring decision-making. Key elements are as follows:
- (1) The presiding officer should be conscious of the needs of each council member and facilitate their entry into discussions, allowing fair debate and participation among council members.
  - (2) Each council member and delegate speaker should be respected for his views on issues, and such views should be considered on merit.
  - (3) Council members should not engage in debate with delegate speakers but rather, seek clarification of the delegate's position on an issue.
  - (4) Council members and delegate speakers should not be criticized for their association with any particular community group, political party, or community contacts.
  - (5) Council members should respect the right of other council members, City staff and the public to have a fair opportunity to speak when holding the floor.

### **Meetings and Appointments to Other Bodies**

14. Council members are often appointed to represent council with external organizations. Some appointments may be to other government committees or they may simply be as a community representative with a particular group. It is important that council members:
- (1) Clearly understand the basis of their appointment;
  - (2) Maintain a positive image of council;
  - (3) Represent council policy position; (unless required to do otherwise by virtue of their terms of appointment); and
  - (4) Provide regular reports to council on the activities of the organization (unless required to do otherwise by virtue of their terms of appointment).

## **ORGANIZATIONAL RELATIONSHIPS**

### **Relationships with Staff**

15. An effective council member will work as part of the council team with the City Manager, Directors and other members of staff. This teamwork will only occur if council members and staff have a mutual respect and cooperate with each other to achieve council's corporate goals and implement council's strategies. To achieve this, council members need to:
- (1) Accept that their role is one of leadership and not a management or administrative role;

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### **Appendix A – Standards for Council Members**

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- (2) Acknowledge that the City Manager is primarily responsible and accountable for municipal staff;
- (3) Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- (4) Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others; and
- (5) Refrain from publicly criticizing staff in a way that casts aspersions on their professional competence and credibility.

#### **Council members and Senior Management (City Manager and Directors)**

16. The core role of council members is policy decision making in the interests of the overall community, and ensuring that policies are implemented. The City Manager and Directors focus on implementing policy and providing professional advice to guide council in its decision-making.

It is expected that:

- (1) The City Manager and Directors will take the initiative and responsibility for developing issues to a stage where comprehensive information can be placed before council for decision;
- (2) Council members recognize the importance of the complementary roles of council members and staff, and recognize that staff can only effectively implement policy if an effective system of delegation is in operation;
- (3) Council members respect the cost of human resources and do not use those resources for unnecessary, improper or inefficient purposes;
- (4) Council members will not criticize staff in public in the interest of maintaining a high level of teamwork and encouraging good morale. If council members wish to express any such criticism then the matter should be raised in a non-public forum; and
- (5) Council members will be provided with information concerning matters under consideration by council and deemed necessary for them to properly perform their duties and meet their responsibilities as members of the municipal council.

#### **RESOLVING DISPUTES**

##### **Respecting differences**

17. Council is comprised of a group of individuals who bring to council their own unique skills, talents, personalities, backgrounds and divergent views. All council members need to be understanding and accepting of the differences between council members and recognize that this diversity enriches council and is

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reflected in the policies, strategies and decisions that are made in the best interests of the entire municipality.

18. Council members need to be mindful that having and expressing differing and sometimes opposing viewpoints is a normal function of the process of democratic government and is just as much a part of local government as it is of the other levels of Canadian government. Sharing and expressing these different views leads to informed and well-considered debate. All council members have the right to influence, through this debate, the decisions made by council.
19. Therefore, having differing views, politics or attitudes from other council members is not considered a conflict or a dispute and does not require resolution. Where conflict does emerge is when the differences become personal or the behaviour of council members towards each other is of a nature that threatens the effective operation of council's decision making processes.

#### **Initial Process for Resolving Disputes**

20. A dispute may arise between two individual council members, between one council member and a group of council members or between two or more different groups of council members. The following dispute resolution procedure will apply regardless of the dynamics and numbers involved.
21. Before commencing any formal dispute resolution process, council members who are party to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the community as a whole.
22. If, however, there is a dispute resulting from an interpersonal conflict between council members that cannot be resolved and it is unduly affecting the operation of council, the mayor will attempt to facilitate a resolution. The mayor may call upon the City Manager for advice and guidance at this point in the process.
23. Either party involved in the dispute (or another council member) may refer the matter to the mayor by submitting a notice of complaint to the mayor. The mayor will investigate whether a dispute exists and requires resolution. The mayor may call the parties involved to meet to resolve the dispute. These initial meetings may include the participation of other mutually agreed persons.
24. If one party to the dispute does not acknowledge there is a dispute and is not willing to cooperate in discussions to resolve the dispute, the dispute resolution process is suspended at this point. However, council may at an in-camera council meeting discuss that a dispute does exist between the parties and may request of the City Manager that mediation/conciliation be commenced.
25. If one or both of the parties to the dispute believes that the dispute has not been resolved following initial discussions to attempt to resolve the dispute, the parties may jointly ask the mayor to request the City Manager to prepare a confidential council report to arrange for the engagement of a professional mediator or conciliator. The request for mediation or conciliation is to be made to the City

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### **Appendix A – Standards for Council Members**

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Manager during a closed section of a council meeting and only after the initial dispute resolution process has been attempted. An estimate of the full cost of conducting the mediation process is to be provided at this meeting.

26. It is compulsory for all parties to the dispute to attend mediation or conciliation where this has been requested.

#### **Mediation or Conciliation**

27. If a mediator or conciliator is appointed, all council members will cooperate with the dispute resolution process and provide reasonable assistance to the mediator or conciliator when requested to do so.
28. Following mediation the mediator or conciliator shall prepare a report for the City Manager that includes the recommendations and actions to be taken as a consequence of the mediation. This report is to be presented during an in-camera council meeting.
29. If following mediation or conciliation all parties agree that the dispute has been resolved and agreement has been reached on adherence to the recommended actions, the matter is closed. If, however, it has not been resolved to the satisfaction of all parties, the parties involved will be required, at a minimum, to adhere to the Procedures Bylaw and the Standards for Council Members.
- (1) Council may request that the mayor strictly adhere to the Control and Conduct of Meetings section of the Procedures Bylaw in order to maintain civility at council meetings and ensure that council members are able to carry out their role in the best interests of the municipality.
- (5) The dispute resolution process between the same council members/parties can only be re-commenced through a decision of council.
- (6) The dispute resolution process between the same council members or parties can only be re-commenced through a decision of council.
- (7) Notwithstanding the above, council will not undertake a dispute resolution procedure if it is to occur during the caretaker period prior to a council election.

#### **Dispute between Mayor and other Council Members**

- (8) If the un-resolvable dispute is between the mayor and another member of council, two other council members may, after consultation with the City Manager, recommend to council that the dispute be referred to the City Manager to obtain an external mediator or conciliator. Such discussion will need to be considered during a closed section of a council meeting. All other aspects of the dispute resolution procedure apply.

#### **CARETAKER PROCEDURES**

37. Prior to an election period the City Manager will ensure that all council members and all members of council staff are advised with respect to the application of the caretaker procedures.

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## **Appendix A – Standards for Council Members**

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### **Council Decision-Making**

38. During the election period, which is from the end of nomination day until 8:00 p.m. on Polling Day, council will operate under a “business as usual” approach except for the restrictions imposed by the Statement of Caretaker Procedures. Essentially, council will not make any decisions during the election period that will be binding on an incoming council save for decisions which are part of the normal operating function of council which includes most municipal planning matters.
39. Council will not make any major policy decisions during the election period.
40. Major policy decisions are decisions to terminate the appointment of the City Manager or other decisions relating to the employment of the City Manager other than a decision to appoint an acting City Manager:
41. If council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by council not making a particular major policy decision, council will, by resolution, make a decision. Such resolutions will be noted as extraordinary.
42. During the election period, further to any major policy decisions, there is to be no council policy formation or adoption, no censure of government departments or Ministers, and Notices of Motions and General Business are not to be of a political nature.

### **Use of Council Resources During An Election**

43. Council members will ensure that council resources are not used inappropriately during an election period in ways that may influence voting in an election or provide undue advantage for a candidate. In any circumstances where the use of council resources might be construed as being related to a candidate’s election campaign, advice will be sought from the City Manager.
44. Municipal staff will not authorize, use or allocate a council resource for any purpose that may influence voting in the election, except where it only relates to the election process and is authorized by the City Manager.
45. Council resources, including offices, support staff, hospitality services, equipment, stationery and printing will be used exclusively for normal council business during the election period and will not be used in connection with any election campaign or in a manner that may be construed as supporting an election campaign.
46. No council logos, letterheads or other City of Whitehorse branding will be used for, or be linked in any way to, a candidate’s election campaign.
47. Public events and functions during the election period will only be organized and run by council’s administration if they are part of council’s normal business activities. Officers will plan to avoid staging any functions, public events or the launch of publications during the election period. No election material or active

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### **Appendix A – Standards for Council Members**

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campaigning, including within the context of speeches by council members, is to be conducted at council sponsored events.

48. Reimbursements of council members' out-of-pocket expenses during the election period will only apply to costs that have been incurred in performance of normal council duties and not for expenses that could be perceived as supporting or being connected with the election.
49. Equipment and facilities such as phones, laptops, facsimile machines, etc, provided to council members for the purpose of conducting normal council business will not be used for campaigning purposes.
50. The City e-mail addresses of council members will not be included on campaign material.

#### **Information**

51. Information and briefing material prepared by council staff for council members during the election period will relate only to factual matters, existing council services, or information that would normally be available to the public. All such requests for information or action are to be issued through the offices of the designated municipal officer who will keep a record of requests made and the advice provided.
52. No information will be provided which relates to new policy development, new projects or matters that are the subject of public or election debate or might be perceived to be connected with a candidate's election campaign.

#### **Publicity**

53. Council will not print, publish or distribute or cause, permit or authorize to be printed published or distributed, electoral advertisements, handbills, pamphlets or notices during the election period unless it only contains information about the electoral process.
54. Council further commits to the following standards during the election period:
  - (1) No council member will influence a municipal staff member to make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the City Manager.
  - (2) Where a publicity campaign is deemed necessary for a council service or function, the City Manager must approve it. Council publicity during the Election period will be restricted to promoting normal council activities.
  - (3) Any requests for media advice or assistance from council members during the Election period will be channelled through the City Manager. No media advice or assistance will be provided in regard to publicity that involves individual council members where that advice would relate to their election campaign.



## **Procedures Bylaw 2016-47**

### **Appendix A – Standards for Council Members**

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- (4) Council members will not use their position as an elected representative, as it relates to access to municipal staff, and other council resources to gain media attention in support of an election campaign.

#### **Assistance to Candidates**

55. Council affirms that all candidates for the council election will be treated equally in terms of assistance and advice relating to the conduct of the council election. All election related enquiries will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the City Manager.

#### **ENFORCEMENT OF STANDARDS**

56. These Standards for Council Members will be self-regulated by council.
58. Council members shall be cognizant of their responsibilities under these Standards.

■2016-11-23