

CITY OF WHITEHORSE
BYLAW 2021-12

A bylaw to provide rules governing council procedures

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; and

WHEREAS section 210 of the *Municipal Act* provides that council must, by bylaw, make rules for governing its procedures, including rules respecting 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

WHEREAS section 210 of the *Municipal Act* provides that council must govern itself in accordance with any bylaw that it makes to govern its procedures;

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

1. This bylaw may be cited as the "**Council Procedures Bylaw**".
2. The rules governing council procedures are attached hereto as Appendix "A" and form part of this bylaw.
3. The terms of reference for each of the six standing committees established pursuant to section 24 of this bylaw are attached hereto as Appendix "B" and form part of this bylaw.
4. The Code of Conduct for Council Members is attached hereto as Appendix "C" and forms part of this bylaw.
5. Bylaw 2016-47, including all amendments thereto, is hereby repealed.
6. This bylaw shall come into full force and effect upon final passage thereof.

NOTICE OF INTENT GIVEN:	January 11, 2021
FIRST and SECOND READING	January 25, 2021
THIRD READING and ADOPTION:	February 8, 2021



Dan Curtis, Mayor



Norma L. Felker, Assistant City Clerk



 Council Procedures Bylaw

TABLE OF CONTENTS

PART 1	INTRODUCTION	1
	Definitions and Interpretation	1
	Severability	2
	Application	2
PART 2	CONDUCT OF COUNCIL MEMBERS	2
	Conduct of Council Members	2
	Conflict of Interest and Related Procedures	3
	Reports on Council Activities	4
PART 3	STANDING COMMITTEES	4
PART 4	PRACTICES AND PROCEDURES FOR MEETINGS	6
	Location, Time and Duration of Meetings	6
	Special Meetings of Council	6
	Meetings in an Emergency Situation	7
	Notice	7
	Agendas for Regular Council Meetings	7
	Electronic Participation at Meetings	8
	Quorum	8
	Control and Conduct of Meetings	8
	Points of Order	10
	Delegations	11
PART 5	PUBLIC HEARINGS AND PUBLIC INPUT SESSIONS	12
PART 6	MOTIONS IN COUNCIL	13
	Motions Generally	13
	Notice of Motion	13
	Main Motions	14
	Motion to Table	15
	Motion to Postpone	15
	Motion to Amend or Motion of Substitution	15
	Motion to Refer	15
	Motion to Reconsider, Alter or Rescind	16
	Withdrawal of Motions	16
PART 7	PASSAGE AND ENACTMENT OF BYLAWS	16
	Passage of Bylaws	16
	Enactment of a Bylaw	17
PART 8	VOTING	17
PART 9	MINUTES	17
PART 10	PROCEDURES FOR THE CONDUCT OF APPEALS	18

 Council Procedures Bylaw

PART 11	PROCEDURES DURING AN ELECTION PERIOD	19
	Council Decision-Making	20
	Use of Council Resources During an Election	20
	Information	21
	Publicity	21
	Assistance to Candidates	22
APPENDIX "B"		
	STANDING COMMITTEE TERMS OF REFERENCE	B1
APPENDIX "C"		
	CODE OF CONDUCT FOR COUNCIL MEMBERS	C1
	ROLE OF COUNCIL MEMBERS	C1
	COMMUNITY REPRESENTATION AND EXPECTATION	C3
	Council Member Behaviour	C3
	Communications	C4
	Benefits and Gifts	C4
	Use of Information	C5
	LEADERSHIP	C5
	Role of the Mayor	C5
	Council Meetings	C6
	Meetings and Appointments to Other Bodies	C6
	ORGANIZATIONAL RELATIONSHIPS	C7
	Relationships with Staff	C7
	Council Members and Senior Managements (City Manager and Directors)	C7
	RESOLVING DISPUTES	C8
	Respecting Differences	C8
	Initial Process for Resolving Disputes	C8
	Mediation or Conciliation	C9
	Dispute between Mayor and Other Council Members	C10
	ENFORCEMENT OF STANDARDS	C10

Council Procedures Bylaw

PART 1 INTRODUCTIONDefinitions and Interpretation

1. 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.
2. 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.
 - "business day" means a day on which city offices are open for business.
 - "City" means the corporation of the City of Whitehorse.
 - "city hall" means the corporate headquarters of the City of Whitehorse located at 2121 Second Avenue.
 - "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.
 - "electronic participation" means participation in a meeting of council by electronic means.
 - "impartial" or "impartiality" 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 a statement used to bring business before a meeting, and may also mean resolutions.
 - "motion of substitution" means a motion that proposes amendment of substantial portions of an original motion.

Council Procedures Bylaw

"*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 procedural rules or improper decorum in speaking.

"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.

Severability

3. If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Application

4. The rules set out in this bylaw 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 of council, and all council committee meetings.
5. The rules set out in this bylaw shall be observed by all members of council, members of the public, and city administration.
6. 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.

PART 2 CONDUCT OF COUNCIL MEMBERS

Conduct of Council Members

7. All proceedings of council and the transaction of the business of council shall be done in a manner consistent with the principles of the *Code of Conduct for Council Members*, attached hereto as Appendix "C" and forming part of this bylaw.

Council Procedures Bylaw

8. 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, exhibiting a lack of bias; and
 - (4) Make all decisions in the best interests of the community as a whole.

Conflict of Interest and Related Procedures

9. Members of council will comply with all the provisions of the *Municipal Act* with respect to disclosure of interest and conflicts of interest.
10. 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.
11. 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.
12. 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.
13. 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

Council Procedures Bylaw

- question in relation to the dealings or contract, and shall not vote on any such question.
- (2) Upon disqualification in accordance with section 13 and subsection 13(1) of this bylaw, a council member shall leave the meeting room while discussion of the matter takes place.
 - (3) The designated municipal officer shall record any such disqualification and the reasons thereto in the minutes.
14. 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.

Reports on Council Activities

15. 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.

PART 3 STANDING COMMITTEES

16. Council may by bylaw establish such standing committees as may from time to time be deemed necessary, and shall make appointments of the chair and vice-chair to such committees annually by October 31 for the following year.
17. Each standing committee shall be composed of the whole council.
18. 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

Council Procedures Bylaw

19. The terms of reference for each of the six standing committees are attached hereto as Appendix "B" and form part of this bylaw.
 - (1) Council shall review the terms of reference for each standing committee at least once in each term of office.
20. 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; and
 - (4) Committees shall review and make recommendations on all resolutions and bylaws that deal with a subject matter within the committee's terms of reference before the resolutions or bylaws are presented to council.
21. The standing committees shall meet in the order listed in section 18 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.
 - (1) Notwithstanding the provisions of section 21 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 or to re-prioritize issues that have attracted significant public interest or input.
22. 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.
 - (1) 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.
23. 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.
 - (1) The mayor shall chair the delegations section of the standing committee agenda. Subject to the restrictions with respect to a closed public hearing as described in section 78 of this bylaw, persons registered as delegates at a standing committee meeting will be heard at the start of the meeting, immediately following any proclamations that may be scheduled.

Council Procedures Bylaw

24. Unless specific to regular or special council meetings, the provisions of Part 4 of this bylaw, *Practices and Procedures for Meetings*, shall apply to standing committee meetings.
25. At committee of the whole and standing committee meetings, resolutions may be passed to go in-camera and to revert to a public meeting. Resolutions are not used for any other business at such meetings.
26. Notwithstanding section 25 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.
27. The chairperson of each committee shall submit to council a report of that committee, and shall move the recommendations of the committee for council's consideration.

PART 4 PRACTICES AND PROCEDURES FOR MEETINGSLocation, Time and Duration of Meetings

28. Unless otherwise confirmed by council, council shall hold its standing committee meetings in on the first and third Mondays of each month, beginning at 5:30 pm, in the council chambers at city hall.
29. Unless otherwise confirmed by council, council shall hold its regular meetings in on the second and fourth Mondays of each month, beginning at 5:30 pm, in the council chambers at city hall.
30. When the day fixed for a meeting of council falls on a legal holiday, the meeting shall be held on the following business day that is not a legal holiday.
31. Council may by resolution postpone or cancel any meeting of council.
32. The presiding officer shall declare every meeting of council or standing committees held in the evenings adjourned after three hours unless, by majority vote of the members present, it is determined otherwise.

Special Meetings of Council

33. Special meetings of council shall be called when requested in writing by the mayor or any two council members.
34. 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:
 - (1) Posting a copy of the notice at city hall;
 - (2) 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; and
 - (3) Sending to the local media.

Council Procedures Bylaw

35. 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.

Meetings in an Emergency Situation

36. Notwithstanding sections 34 and 38 of this bylaw, in the event of a civil emergency that poses an immediate danger to people and/or to public or private property, and for which urgent, timely action by council is required, a decision-making meeting of council may be held with shortened or no notice to the public.
37. If a meeting pursuant to section 36 of this bylaw is required and a quorum of council members is not available, the available members of council may authorize actions to respond to the emergency. Such authorizations will be subject to subsequent review by council at the earliest opportunity when a quorum can reasonably be convened to confirm, modify or overturn the authorization.

Notice

38. Subject to sections 33 and 35 of this bylaw, 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 at city hall; and
 - (3) Sent to the local media.
39. All documents pertaining to the business listed on the agenda shall accompany the agenda when delivered to each member of council.
40. 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.

Agendas for Regular Council Meetings

41. 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.
- (1) An amendment to the delegations section of the agenda for a regular council meeting may be made by a resolution passed by a majority of all members present.
42. When a regular 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

Council Procedures Bylaw

- (4) Adoption of Minutes
- (5) Delegations
- (6) Public Input Sessions
- (7) Public Hearings
- (8) Standing Committee Reports
- (9) New and Unfinished Business
- (10) Bylaws
- (11) Adjournment

Electronic Participation at Meetings

- 43. 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 to the designated municipal officer prior to 4:00 p.m. on the day of the meeting.
- 44. If a member participating electronically is the chairperson of the meeting or a committee, the deputy mayor will preside. If a member participating electronically is the chairperson of a committee, the vice-chair will preside.
- 45. Members participating electronically must vote audibly to allow other members and the designated municipal officer to record the vote.
- 46. Delegates may participate in a regular or standing committee meeting, including 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 they wish to speak.

Quorum

- 47. A quorum shall consist of a majority of the whole council or whole committee.
- 48. If a quorum is not present within 15 minutes after the time fixed for a council or committee meeting, the meeting shall be rescheduled.
- 49. 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.

Control and Conduct of Meetings

- 50. The mayor acts as the presiding officer at each meeting at which he is present. For standing committee meetings, the mayor is the umbrella chair and each standing committee chair presides over their standing committee discussions.
- 51. Council members shall pay respect to the presiding officer at meetings.

Council Procedures Bylaw

52. 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 are to:
- (1) Maintain control by holding or passing the chair;
 - (2) Be impartial;
 - (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, including ruling on points of order;
 - (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.
53. The presiding officer shall treat each question in a judicial spirit, but shall not take part in the debate.
- (1) 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.
54. 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.
55. Any person, including any member, wishing to speak at a meeting shall address the presiding officer and be recognized before beginning to speak.
56. 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 speaking 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.
57. No member shall speak to the same question or in reply for longer than three minutes without the consent of the presiding officer.
58. 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.
59. Council members shall refrain from using cell phones, e-mail, or any other personal communication devices during the course of meetings.
60. 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 their voice, or use offensive, vulgar or profane language; or

Council Procedures Bylaw

- (2) Speak on matters other than the matter on the floor; or
 - (3) Make disparaging or personal comments about any person, staff member, or member of council.
61. The presiding officer shall immediately censure any person who acts contrary to section 60 of this bylaw.
62. A member called to order by the presiding officer shall immediately cease speaking.
63. When a person has been censured by the presiding officer, the designated municipal officer shall record such censure in the minutes of the meeting.
64. Any person, including a council or committee member, who acts contrary to section 60 of this bylaw 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.
65. No exclusion of a member pursuant to section 64 of this bylaw shall be for more than the meeting in progress.
66. 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.
67. 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.
68. 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.
69. 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.

Points of Order

70. Any council member, including the presiding officer, may raise a point of order.
71. A point of order must be raised promptly when the perceived breach has occurred.
72. When a point of order is called, all discussion shall cease until the point of order has been decided.
73. The member calling the point or order shall state it clearly and without unnecessary comment.
74. Upon a matter of decorum or priority of business being appealed to the presiding officer, it shall be decided without debate.
- (1) The presiding officer rules as to whether the point of order is "well taken" or "not well taken", briefly stating reasons for the ruling.

Council Procedures Bylaw

- (2) The presiding officer may ask for assistance in the form of information on parliamentary procedure, which may not be available during the meeting if further research is needed. In that event, the presiding officer may reserve a decision on the point of order until a future meeting. In lieu of asking for assistance, or if otherwise in doubt, the presiding officer may submit the point of order to the assembly for a vote.
75. 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.

Delegations

76. 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 1:30 p.m. on the day of the meeting.
- (1) 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.
77. Persons or delegations addressing council shall be required to state their names, the area of the city in which they live, the purpose of their presentation, and whether they are speaking personally or on behalf of a specific organization or group.
- (1) Children and youth younger than 18 years will not be required to state the neighbourhood where they live.
78. 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.
79. Delegates to standing committee meetings may speak to any single topic during the delegations section of the agenda except to an issue for which a public hearing has been declared closed.
80. 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.
- (1) 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.
- (2) Upon being recognized by the presiding officer, 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.
- (3) At no time shall a member, a delegate or administration enter into discussion or debate during the delegations section of the agenda, and all parties shall refrain from comment on the issues being presented.

Council Procedures Bylaw

81. Delegates are expected to respect the decorum of council chambers and to refrain from making disparaging or personal comments about individuals, businesses, community groups, city staff, or members of council.

PART 5 PUBLIC HEARINGS AND PUBLIC INPUT SESSIONS

82. 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.
83. 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.
84. Persons appearing at public hearings or public input sessions are expected to respect the decorum of council chambers and to refrain from making disparaging or personal comments about individuals, businesses, community groups, city staff, or members of council.
85. The presiding officer shall call three times for appearances from the gallery. 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.
86. 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.
87. Written submissions with respect to any public hearing, including submissions by mail, 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 at the location specified for the public hearing, and before the public hearing is declared closed.
- (1) Written submissions with respect to any public hearing that are received at the office of the designated municipal officer after the public hearing has been declared closed shall not be considered.
- (2) Written submissions must include the name of the person making the submission.
- (3) Public hearing submissions received prior to 12:00 noon on the day set for the public hearing will be made available for public viewing on the city's website. Each submission posted to the city's website will include the name of the person making the submission.

Council Procedures Bylaw

- (4) All written reports and materials provided by the parties that are relevant to the application will also be made available for public viewing on the city's website prior to the public hearing.
- 88. Notwithstanding section 86 of this bylaw, if new information is received with respect to a bylaw for which a public hearing has been declared closed, council may pass a resolution authorizing a second public hearing to be held.
- 89. For bylaws to amend the Official Community Plan or the Zoning Bylaw, council shall cause a second public hearing to be held when the first public hearing has resulted in any of the following:
 - (1) Alteration of the permitted land use is proposed;
 - (2) Increasing the permitted density of use is proposed or, without the consent of the property owner, decreasing the permitted density of use is proposed;
 - (3) Significant changes to the bylaw are proposed that otherwise alter the substance of the bylaw; or
 - (4) Council wishes to receive significant new information before coming to a decision on the proposed amendment.

PART 6 MOTIONS IN COUNCIL**Motions Generally**

- 90. Council may debate and vote on a motion only if it is first moved by any council member, including the mayor, and seconded by another.
- 91. Every member of council, including the mayor, shall be afforded the opportunity to speak to a motion before an amendment to that motion may be proposed. The presiding officer shall step down from the chair if he wishes to speak to a motion.

Notice of Motion

- 92. A notice of motion may be given at any regular council or standing committee meeting, but may not be dealt with at that meeting.
 - (1) 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.
- 93. 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.
- 94. Every notice of motion shall precisely specify the entire content of the motion to be considered.

Council Procedures Bylaw

95. 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.

Main Motions

96. The mover and seconder of any motion may speak and vote for or against any motion.
97. 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.
98. 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.
99. 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.
100. Every motion or resolution shall be stated or read by the mover, who shall speak first to the motion.
101. 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.
102. 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.
103. When a motion is tabled but is not finally settled, no conflicting motion whose adoption would restrict council in acting on the first motion may be introduced.
104. When debate has ended, the presiding officer shall put the motion to a vote.
- (1) Unless 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 to a vote and the presiding officer's decision shall be final.
105. 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.
106. 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.
107. 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.

Council Procedures Bylaw

108. 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.

Motion to Table

109. 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

110. A motion to postpone passed by a majority of council members present may postpone any motion in possession of council.
111. 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 to postpone.
112. 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.
113. Unless otherwise specified, a postponed motion shall be on the agenda of the next regular meeting as an item of unfinished business.
- (1) 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.

Motion to Amend or Motion of Substitution

114. A motion to amend a main motion, or a motion of substitution in respect of a main motion, may be made by any member of council.
115. 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.
116. Motions to amend or motions of substitution shall be voted on in reverse order to that in which they are moved.

Motion to Refer

117. 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.
118. 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

Council Procedures Bylaw

- (3) Whatever explanation is necessary as to the purpose of the motion to refer.

Motion to Reconsider, Alter or Rescind

119. Subject to the civil emergency provisions of section 37 of this bylaw, a council decision 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.
120. Notwithstanding anything provided in section 119 of this bylaw, 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.

Withdrawal of Motions

121. A motion may not be withdrawn without the consent of council after it has been duly moved and seconded or after it has been read into the record in anticipation of being voted upon.

PART 7 PASSAGE AND ENACTMENT OF BYLAWS

Passage of Bylaws

122. 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.
123. 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.
- (1) Council members may also propose amendments to a bylaw prior to second or third reading.
124. Council shall vote on the motion for first reading of any bylaw without amendment or debate.
125. 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.
126. 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.
127. 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.

Council Procedures Bylaw

128. When a bylaw has received third reading and been passed, the presiding officer shall declare the bylaw adopted.

Enactment of a Bylaw

129. 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.
130. 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.

PART 8 VOTING

131. Once a question is put to vote, no member shall leave council chambers until the vote is taken.
132. Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
133. 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*.
134. 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.
135. Where a member of council is excused or disqualified from voting in accordance with section 134 of this bylaw, the designated municipal officer shall record such in the minutes.
136. The designated municipal officer shall record in the minutes if a vote is carried unanimously. Wherever the vote is not unanimous, the designated municipal officer shall record who voted in favour and who voted against the motion.

PART 9 MINUTES

137. Minutes of all proceedings of council in regular, special and any committee of council meeting shall be recorded in accordance with the requirements of the *Municipal Act*.
138. In accordance with the provisions of this bylaw, minutes of regular and special council meetings and any committee of council meetings shall include:
- (1) declarations of interest or conflict of interest (sections 11 and 12)
 - (2) disqualifications and the reasons thereto (sections 13 and 14)
 - (3) resolutions to go in-camera and to revert to open meeting (section 25)

Council Procedures Bylaw

- (4) censure (section 61)
- (5) that motions are duly moved and seconded (section 90)
- (6) whether a vote is defeated by reason of a tie (section 132)
- (7) if a member refuses to vote, fails to vote or abstains from voting (section 133)
- (8) whether a member is excused or disqualified (section 134)
- (9) whether a vote is decided unanimously or by a split decision (section 136)

PART 10 PROCEDURES FOR THE CONDUCT OF APPEALS

139. 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.
140. The mayor shall be the presiding officer at committee of the whole meetings called for the purpose of hearing appeals.
141. 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.
142. No business other than that stated in the notice for such committee of the whole meeting shall be transacted at that meeting.
143. 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 a report providing details of the issue, background information, and the reason for the appeal.
 - (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.

Council Procedures Bylaw

- (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 in-camera 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; and
 - (d) Council members will select a representative to prepare a written record of the outcome of the in-camera deliberations.
 - (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.
144. 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.
145. 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.
146. 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.

PART 11 PROCEDURES DURING AN ELECTION PERIOD

147. Prior to an election period the city manager will ensure that all council members and all members of administration are advised with respect to the application of the procedures set out in Part 11 of this bylaw.

Council Procedures Bylaw

Council Decision-Making

148. 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 in Part 11 of this bylaw. 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. This includes most municipal planning matters.
149. Council will not make any major policy decisions during the election period.
150. 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 interim city manager:
151. 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.
152. 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 motion and general business are not to be of a political nature.

Use of Council Resources During an Election

153. 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.
154. Municipal administration 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.
155. 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.
156. 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.
157. Public events and functions during the election period will only be organized and run by administration if they are part of council's normal business activities. Administration will strive to avoid staging any functions, public events or the launch of publications during the election period. No active campaigning, including within the context of speeches by council members, is to be conducted at council-sponsored events.

Council Procedures Bylaw

158. Reimbursements of out-of-pocket expenses for council members 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.
159. 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.
160. The city e-mail addresses of council members will not be included on campaign material.

Information

161. Information and briefing materials prepared by administration 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.
162. All 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.
163. 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

164. 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.
165. 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.

Council Procedures Bylaw

- (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

166. Council affirms that all candidates for the municipal election will be treated equally in terms of assistance and advice relating to the conduct of the council election.
167. 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.

■2021-01-14

APPENDIX "B"**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 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.

Council Procedures Bylaw – Standing Committee Terms of Reference

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

■

APPENDIX "C"**CODE OF CONDUCT FOR COUNCIL MEMBERS**

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:

- high standards of conduct from its elected representatives,
- that council members represent the entire community and contribute to council's decisions and policy making;
- that the business of council is conducted with efficiency, impartiality and integrity;
- that 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
- that the community's interests will always be given absolute priority over the private interests of council members.

Good governance and leadership require 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:

- strategic planning;
- financial management and budgeting;
- service planning;
- communications and public relations strategies; and
- 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. In fulfilling their role as members of council, the activities of council members should focus on:

Council Procedures Bylaw – Code of Conduct

- (1) Achieving a balance in the diversity of community views to develop an overall strategy for the future of the municipality;
 - (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.
3. 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;

Council Procedures Bylaw – Code of Conduct

- (9) Committing to a consultative approach to solving problems, developing effective decisions and communicating outcomes that build teamwork and cooperation; and
- (10) Demonstrating leadership by focusing on issues and refraining from personalizing matters, particularly in relation to making personal or disparaging remarks regarding other council members, citizens or city staff.

COMMUNITY REPRESENTATION AND EXPECTATIONCouncil Member Behaviour

- 4. 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.
- 5. Council members must act honestly and exercise reasonable care and diligence.
- 6. 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.
- 7. 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

Council Procedures Bylaw – Code of Conduct

- (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.

Communications

9. 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 the mayor as the spokesperson for council; and
 - (6) Information concerning adopted policies, procedures and decisions of council must be conveyed accurately.

Benefits and Gifts

10. 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.
11. 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;

Council Procedures Bylaw – Code of Conduct

- (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 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

12. 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

13. 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;

Council Procedures Bylaw – Code of Conduct

- (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.

Council Meetings

14. 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

15. 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).

Council Procedures Bylaw – Code of Conduct

ORGANIZATIONAL RELATIONSHIPSRelationships with Staff

16. 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;
 - (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)

17. 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

Council Procedures Bylaw – Code of Conduct

- (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 DISPUTESRespecting Differences

18. 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 reflected in the policies, strategies and decisions that are made in the best interests of the entire municipality.
19. 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.
20. 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

21. 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.
22. 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.
23. 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.

Council Procedures Bylaw – Code of Conduct

24. 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.
25. 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.
26. 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 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.
27. It is compulsory for all parties to the dispute to attend mediation or conciliation where this has been requested.

Mediation or Conciliation

28. 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.
29. 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.
30. 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.
 - (2) The dispute resolution process between the same council members/parties can only be re-commenced through a decision of council.

Council Procedures Bylaw – Code of Conduct

- (3) The dispute resolution process between the same council members or parties can only be re-commenced through a decision of council.
- (4) 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

- 31. 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.

ENFORCEMENT OF STANDARDS

- 32. These standards for council members will be self-regulated by council.
- 33. Council members shall be cognizant of their responsibilities under these standards.