

**Subject: Consent Agenda - NOT**

**Date:** Sat, 19 Mar 2005 23:24:31 -0800

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
Your Worship & Members of Council,

Attached is my presentation on Agenda Item #5 - Bylaw 7533 on Consent Agenda.

Yours truly,

Corrie Kost

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## Your Worship & Members of Council,

I wish to express my disapproval of council adopting the procedures as outlined in agenda item #5. Specifically my **objection is to the requirement of more than one members of council in order to remove an item from the “consent agenda”** as specified in section 18c of Bylaw 7533..

### Definition of Consent Agenda

By definition a “consent agenda” (CA) is an agenda for which all parties have given prior consent to all items on that agenda. It requires that consent by all has been achieved for every item on the CA. Any item for which this is not so **MUST** be removed from the CA. To require that two or more members must object, in order to remove any item from the CA, means that by definition that agenda was NOT a CA but is a “majority agenda” (MA). In addition, when any member of the public can have the item removed from the CA, while a single member of council cannot do so constitutes a serious breach of the democratic process. A procedure bylaw that incorporates an MA is, in my opinion, ultra vires.

### Violation of Community Charter & Code of Ethics

Division 2 – specifically sections 122-124 of the Community Charter, implies that every councilor be able to vote (and **MUST** vote) on every question before them. An MA does not allow all members of council to do so for all bylaws or questions put forth. A single member of council may, for example, wish to object to one of the items on the MA but approve of the others. With the MA this is not possible. Let’s illustrate with a simple, if somewhat atypical, example. Suppose there are 5 members present at a council meeting and there are 3 items on the MA. Suppose one of the members objects to passage of item 1 but agrees to items 2 & 3. The rules of the MA do not allow that particular member to express his/her opinion on item 1 unless at least another member concurs. This is not democratic. MA’s are not conducive to an open and fair process in which members of council “shall publicly share substantive information” with one another (see 7 of District Corporate Policy 01-0530-11 – Code of Ethics).

It is the antithesis of democracy to require up to 50% of the members present (in the case of a quorum of only 4 members) in order to have a tabled item discussed.

### Improper Notification

Under section 124(3) of the Community Charter the procedure bylaw can only be amended after first giving notice in accordance with section 94 of the Community Charter. A public notice to this effect was published in the 13 Mar 2005 issue of the North Shore News but was, in my opinion, deficient in two aspects. First, it failed to correctly provide the section (124(3)) of the Community Charter requiring the notification, while secondly, it failed to provide, in general terms, the nature of the new provisions by using a term “consent agenda” when no such provision is actually being proposed.

### Improper Scope of Procedure

Finally, since there appears to be no restriction as to what items can be placed on the CA or MA, it should be noted that even if all members concur, this is not allowed for some bylaws. I leave it as an exercise to determine which ones!

### Recommendation

The solution to all this is simple. Require, as is done elsewhere, that **all members of council must agree** in order for an item to remain on a consent agenda. In addition, so that the public knows which items are on the consent agenda, the **list should be announced/shown on video screen before the public input period so that members of the public may have an opportunity to ensure an item is appropriately debated.**

Yours truly,

Corrie Kost  
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