

DISTRICT OF LILLOOET

BYLAW NO. 450-2017

COUNCIL PROCEDURE BYLAW

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DISTRICT OF LILLOOET

BYLAW NO. 450-2017

COUNCIL PROCEDURE BYLAW

A bylaw to provide for the general procedures to be followed by the Council for the District of Lillooet and Council Committees and Commissions in conducting their business in accordance with section 124 of the *Community Charter*.

WHEREAS pursuant to Section 124 of the *Community Charter*, Council must establish procedures to be followed for the conduct of its business;

NOW THEREFORE, the Council for the District of Lillooet, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “COUNCIL PROCEDURE BYLAW 2017, NO. 450”.

Definitions

2. (1) In this Bylaw:
 - (a) “Commission” means a municipal commission established under section 143 of the Community Charter;
 - (b) "Committee" means a standing, select, or other Council committee, but does not include COTW;
 - (c) “Community Charter” means the Community Charter S.B.C 2003, c.26, as amended;
 - (d) “Corporate Officer” means the Corporate Officer or Deputy Corporate Officer for the District;
 - (e) “COTW” means the Committee of the Whole Council;
 - (f) “Council” means the Council of the District of Lillooet;
 - (g) “Councillor” means a Councillor of the District of Lillooet;
 - (h) “District” means the District of Lillooet;

- (i) "District Office" means the Lillooet District Office located at 615 Main Street, Lillooet, British Columbia;
- (j) "District Web Site" means the information resource found at the internet address www.lillooetbc.ca, provided by the District;
- (k) "Local Government Act" means the Local Government Act R.S.B.C. 2015, c.1, as amended;
- (l) "Mayor" means the mayor of the District;
- (m) "Member" means the Mayor or a Councillor;
- (n) "Point or Order" means a claim by a Member that a breach of the rules of procedure established by this Bylaw or section 132 of the Community Charter has taken place;
- (o) "Public Notice Posting Places" means the notice board at the front entrance to the District Office and the District Website; and
- (p) "Recreation Centre" means the Lillooet Recreation Centre located at 930 Main Street, Lillooet, British Columbia.

Application of rules of procedure

- 3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, Commissions and all standing and select Council Committees, as applicable.
- (2) In cases not provided for under this Bylaw, Robert's Rules of Order Newly Revised, 11th edition, 2011, apply to the proceedings of Council, COTW, Commissions and Council Committees to the extent that those Rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

- 4. (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election.
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer

and held as soon as reasonably possible after a quorum has taken office.

Time and location of meetings

5. (1) All Council meetings must take place within the District Office or Recreation Centre except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must:
 - (a) be held on the first and third Monday of each month except for July, August and September when regular Council meetings must be held on the second Monday and except for December when a regular Council meeting must be held on the first Monday;
 - (b) begin at 7:00 p.m.;
 - (c) be adjourned at 10:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 29;
 - (d) when such meeting falls on a statutory holiday, be held on the next day the District Office is open following which is not a statutory holiday;
- (3) Regular Council meetings may:
 - (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and
 - (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 5 days written notice.

Notice of Council Meetings

6. (1) In accordance with section 127 of the *Community Charter*, Council must prepare annually on or before December 15, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with section 127 of the *Community Charter*, Council must give notice annually on or before December 15 that the schedule of regular Council meetings will be available beginning on December 15 in accordance with section 94 of the *Community Charter*.

- (3) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

Notice of special meetings

7. (1) Except where notice of a special meeting is waived by unanimous vote of all Members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:
- (a) posting a copy of the notice in the Council chambers at the District Office;
 - (b) posting a copy of the notice at the Public Notice Posting Places; and
 - (c) leaving one copy of the notice for each Member in the Member's mailbox at the District Office.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

Participation at Meetings by Electronic Means

8. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter* are met:
- (a) a special Council meeting may be conducted by means of visual and audio or audio electronic or other communication facilities if the Mayor or the Council requires;
 - (b) a Member or a Council Committee member who is unable to attend in person at a Council meeting or Council Committee meeting, as applicable, may participate in the meeting by means of visual and audio or audio electronic or other communication facilities.
- (2) The presiding Member at a special council or Council Committee meeting must not participate electronically.
- (3) No more than two Members at one time may participate at a council meeting under section 8(1)(b).
- (4) No more than three members of a Council Committee at one time may participate at a Council Committee meeting under section 8(1)(b).

- (5) In the event that there is an interruption in the communication link to a Member who is participating by electronic means the presiding Member may recess the meeting for a maximum of 15 minutes to allow for the communication link to be re-established.
- (6) A Member or Council Committee member must inform the Corporate Officer of their intention to participate electronically at least 24 hours prior to the meeting.

PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

- 9. (1) Annually in December, Council must from amongst its members designate Councillors to serve on a rotating basis as the Member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under section 9(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the Member designated under section 9(1) are absent from the Council meeting, the Members present must choose a Councillor to preside at the Council meeting.
- (4) The Member designated under section 9(1) or chosen under section 9(3) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

Community Charter Provisions

- 10. Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 and Division 2 of Part 5. Some relevant extracts of the *Community Charter* are appended to this bylaw for convenient reference but do not form part of this bylaw.

Attendance of Public at Meetings

- 11. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.

- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) COTW;
 - (b) standing and select Committees;
 - (c) an advisory body established by Council;
 - (d) a municipal commission established under section 143 of the *Community Charter*;
 - (e) a Board of Variance established under section 536 of the *Local Government Act*;
 - (f) a Parcel Tax Roll Review Panel established under section 204 of the *Community Charter*; and
 - (g) a body prescribed by Provincial Regulation.
- (4) Despite section 11(1), the Mayor or the Councillor designated as the Member responsible for acting in the place of the Mayor under section 9 may expel or exclude from a Council meeting a person in accordance with section 21(8) and section 133 of the *Community Charter*.

Minutes of meetings to be maintained and available to public

12. (1) Minutes of the proceedings of Council must be:
- (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer; and
 - (c) signed by the Mayor or other presiding Member at the meeting or at the next meeting at which the minutes are adopted.
- (2) Subject to subsection 12(3), and in accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at the District Office during its regular office hours.
- (3) Subsection 12(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

Calling meeting to order

13. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the chair and call the

Council meeting to order, however, where the Mayor is absent, the Councillor designated as the Member responsible for acting in the place of the Mayor in accordance with section 9 must take the chair and call such meeting to order.

- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the Member responsible for acting in the place of the Mayor under section 9 do not attend within 10 minutes of the scheduled time for a Council meeting:
 - (a) the Corporate Officer must call to order the Members present; and
 - (b) the Members present must choose a Member to preside at the meeting.

Adjourning meeting where no quorum

14. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must record the names of the Members present, and those absent, and adjourn the meeting until the next scheduled meeting.

Agenda

15. (1) Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting agenda is 12:00 noon on the Wednesday prior to the meeting.
- (3) The Corporate Officer must make the agenda available to the Members and the public on the Friday afternoon prior to the meeting.
- (4) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 17.

Order of proceedings and business

16. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Call to order;
 - (b) Public input period;
 - (c) Approval of agenda including late additions or deletions;
 - (d) Public and statutory hearings;

- (e) Delegations;
 - (f) Adoption of minutes;
 - (g) Business arising from the minutes;
 - (h) Rise and Report;
 - (i) Correspondence and Petitions;
 - (j) Reports of Committees, COTW and Commissions;
 - (k) Reports and presentations of staff;
 - (l) Bylaws and Resolutions;
 - (m) Work in Progress;
 - (n) Notice of Motion;
 - (o) Report of Mayor;
 - (p) Reports of Councillors;
 - (q) Report of the Chief Administrative Officer;
 - (r) New business;
 - (s) Media and public question period;
 - (t) In-camera meeting;
 - (u) Adjournment.
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

Late Items

17. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters.
- (2) If the Council makes a resolution under section 17(1), information pertaining to late items that is in the possession of a Member must be distributed to all Members.

Voting at meetings

18. (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding Member must put the matter to a vote of Council;
 - (b) when the Council is ready to vote, the presiding Member must put the matter to a vote by stating:

"Those in favour raise your hands" and then "Those opposed raise your hands";

- (c) when the presiding Member is putting the matter to a vote under paragraphs (a) and (b) a Member must not:
 - (i) cross or leave the room;
 - (ii) make a noise or other disturbance; or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting Member is raising a Point of Order;
- (d) after the presiding Member finally puts the question to a vote under sub-section (b), a Member must not speak to the question or make a motion concerning the question;
- (e) the presiding Member's decision about whether a question has been finally put is conclusive;
- (f) whenever a vote of Council on a matter is taken, each Member present must signify their vote by raising their hand; and
- (g) the presiding Member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;

Delegations

- 19. (1) The Council may, by resolution, allow an individual or a group to address Council as a Delegation at the meeting provided written application on a prescribed form has been received by the Corporate Officer by 12:00 noon on the Wednesday prior to the meeting. Applications to appear as a Delegation must include:
 - (a) a copy of any presentation the Delegation intends to make to Council; and
 - (b) a copy of any written materials the Delegation intends to distribute to Council;
- (2) A Delegation is limited to ten (10) minutes unless Council resolves that a longer period is permitted.
- (3) Where written application has not been received by the Corporate Officer as prescribed in section 19(1), an individual or group may address the meeting if approved by the unanimous vote of the Members present as an addition to the agenda.
- (4) The Corporate Officer may schedule a Delegation to another Council meeting or advisory body as deemed appropriate according to the subject matter of the Delegation.

- (5) The Corporate Officer may refuse to place an individual or group on the agenda as a Delegation if the subject matter:
- (a) does not relate to the jurisdiction of Council;
 - (b) relates to a subject listed in section 90 of the *Community Charter*;
 - (c) relates to a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment or as a pre-requisite to the adoption of the bylaw;
 - (d) relates to an election campaign or election issue; or
 - (e) relates to publically tendered contracts or proposals called for the provision of goods or services for the District before the time such contract or proposal has been awarded.
- (6) An individual or group that wishes to appeal the Corporate Officer's decision regarding their application to appear before Council as a Delegation may do so by application in writing which application must be distributed under separate cover to Council for their consideration.

Points of order

20. (1) Without limiting the presiding Member's duty under section 132(1) of the *Community Charter*, the presiding Member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this bylaw; and
 - (b) whether or not another Member has raised a Point of Order in connection with the motion.
- (2) When the presiding Member is required to decide a Point of Order:
- (a) the presiding Member must cite the applicable rule or authority if requested by another Member;
 - (b) another Member must not question or comment on the rule or authority cited by the presiding Member under subsection (2)(a); and
 - (c) the presiding Member may reserve the decision until the next Council meeting.

Conduct and debate

21. (1) A Member may speak to a question or motion at a Council meeting only if that Member first addresses the presiding Member.
- (2) Members must address the presiding Member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other non-presiding Members by the title Councillor.
- (4) No Member may interrupt a Member who is speaking except to raise a Point of Order.
- (5) If more than one Member speaks the presiding Member must call on the Member who, in the presiding Member's opinion, first spoke.
- (6) Members who are called to order by the presiding Member:
 - (a) must immediately stop speaking;
 - (b) may explain their position on a Point of Order; and
 - (c) may appeal to Council for its decision on the Point of Order in accordance with section 132 of the *Community Charter*.
- (7) Without limiting section 133 of the *Community Charter*, Members speaking at a Council meeting:
 - (a) must not use disrespectful language;
 - (b) must not use offensive gestures or signs;
 - (c) may speak only in connection with the matter being debated;
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded; and
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding Member and Council in connection with the rules and points of order.
- (8) If a Member does not adhere to subsection (7), the presiding Member may order the Member to leave the Member's seat, and
 - (a) if the Member refuses to leave, the presiding Member may cause the Member to be removed by a peace officer from the Member's seat, and

- (b) if the Member apologizes to the Council, Council may resolve to allow the Member to retake the Member's seat.
- (9) A Member may, without interrupting another Member, require the question being debated at a Council meeting to be read at any time during the debate.
- (10) A Member may not speak to a question, or in reply, for longer than a cumulative total time of 30 minutes except with the permission of Council.

Motions generally

- 22. (1) Council may debate and vote on a motion only if it is first made by one Member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Member may make only the following motions, when the Council is considering a question:
 - (a) to refer to committee;
 - (b) to amend;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain time;
 - (f) to move the previous question;
 - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) When a question under consideration contains distinct parts, Council must vote separately on each distinct part if requested by a Member.

Motion to commit

- 23. Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

Motion for the main question

- 24. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.

- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a Member moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

Amendments generally

25. (1) A Member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding Member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A Member may propose an amendment to an adopted amendment.
- (8) The presiding Member must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question , or an amended motion amending the main question if the vote under subparagraph (a) is positive;
 - (c) the main question.

Reconsideration by Member

26. (1) Subject to subsection (5), a Member may, at the next Council meeting:

- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
 - (3) A vote to reconsider must not be reconsidered.
 - (4) Council may only reconsider a matter that has not:
 - (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*;
 - (c) been acted on by an officer, employee, or agent of the District.
 - (5) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
 - (6) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

Privilege

- 27. (1) In this section, a matter of privilege refers to any of the following motions:
 - (a) fix the time to adjourn;
 - (b) adjourn;
 - (c) recess;
 - (d) raise a question of privilege of the Council;
 - (e) raise a question of privilege of a Member.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

Reports from Committees

28. (1) Council may take any of the following actions in connection with a resolution it receives from COTW:
- (a) agree or disagree with the resolution;
 - (b) amend the resolution;
 - (c) refer the resolution back to COTW;
 - (d) postpone its consideration of the resolution.

Adjournment

29. (1) A Council may continue a Council meeting after the time defined in section 5(2)(c) only by a unanimous affirmative vote of the Members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day;
 - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

PART 5 – BYLAWS

Copies of proposed bylaws to Members

30. A proposed bylaw may not be introduced at a Council meeting unless a copy of the proposed bylaw has been delivered to each Member at least 48 hours before the Council meeting, or unless all Members unanimously agree to waive this requirement.

Form of bylaws

31. (1) A bylaw introduced at a Council meeting must:
- (a) be printed;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number;

- (d) contain an introductory statement of purpose; and
- (e) be divided into sections.

Bylaws to be considered separately or jointly

32. (1) Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding Member or requested by another Member, or
 - (b) jointly with other proposed bylaws in the sequence determined by the presiding Member.

Reading and adopting bylaws

33. (1) The presiding Member of a Council meeting may:
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read.
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 477 of the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Members present.
- (5) In accordance with section 135 of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter*, and in accordance with section 477(6) and section 480 of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws must be signed

34. (1) After a bylaw is adopted, and signed by the Corporate Officer and the presiding Member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:

- (a) the District's corporate seal;
- (b) the dates of its readings and adoption; and
- (c) the date of Ministerial approval or approval of the electorate if applicable.

PART 6 – CORRESPONDENCE, PUBLIC INPUT AND QUESTIONS

Correspondence

35. (1) Correspondence addressed to Council or Mayor and Council must be legibly written, typed or printed and signed by at least one person, complete with either a return mailing address or email.
- (2) The Corporate Officer may decline to include on the agenda correspondence that:
- (a) fails to meet the requirements of section 35(1);
 - (b) includes subject matter listed in section 19(5); or
 - (c) may be more appropriately referred to another staff member or department for a response.

Public Input

36. The Council may, by resolution, allow a maximum of five members of the Public to address Council for a maximum of two minutes each during a public input period.
- 36.1 Members of the public wishing to address Council during public input period must sign up in advance of the Council meeting no earlier than 10 minutes before the meeting and no later than the start of the meeting on a first come first served basis.
- 36.2 The presiding Member may rule out of order a member of the public who attempts to address Council on subject matter listed in section 19(5).

Media and Public Question Periods

37. The Council may, by resolution, hold a media question period and a public question period at or near the end of the Council meeting.
- 37.1 Questions to Council must relate to the items on the agenda of the Council meeting. The presiding Member may rule out of order questions which do not relate to the agenda of the Council meeting.

37.2 Council is not obligated to respond to or answer questions from the media or public.

PART 7 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

38. (1) At any time during a council meeting, Council may, by resolution, go into COTW.
- (2) In addition to subsection (1), a meeting, other than a standing or select Committee meeting, to which all Members of Council are invited to consider but not to decide on matters of the District's business, is a meeting of COTW.

Notice for COTW meetings

39. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) leaving a copy of the notice for each Member in the Member's mailbox at the District Office.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 38, during a Council meeting for which public notice has been given under section 6 or 7.

Minutes of COTW meetings to be maintained and available to public

40. (1) Minutes of the proceedings of COTW must be:
- (a) legibly recorded;
 - (b) certified by the Corporate Officer;
 - (c) signed by the presiding Member at the meeting; and
 - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Presiding Members at COTW meetings and Quorum

41. (1) The Mayor presides in COTW.
- (2) The quorum of COTW is a majority of Council Members.

Points of order at meetings

42. The presiding Member must preserve order at a COTW meeting and, subject to an appeal to other Members present, decide points of order that may arise.

Conduct and debate

43. The following rules apply to COTW meetings:
- (1) a motion is not required to be seconded;
 - (2) a Member may speak any number of times on the same question; and
 - (3) a Member must not speak longer than a total of 10 minutes on any one question.

Voting at meetings

44. (1) Votes at a COTW meeting must be taken by a show of hands if requested by a Member.
- (2) The presiding Member must declare the results of voting.

Reports

45. (1) COTW may consider reports and bylaws only if:
- (a) they are printed and the Members each have a copy; or
 - (b) a majority of the Members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.
- (3) The COTW's reports to Council must be presented by the Corporate Officer.

Rising without reporting

46. (1) A motion made at a COTW meeting to rise without reporting:
- (a) is always in order and takes precedence over all other motions;
 - (b) may be debated; and
 - (c) may not be addressed more than once by any one Member.

- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 38(1), the Council meeting must resume and proceed to the next order of business.

PART 8 – COMMITTEES

Duties of standing Committees

47. (1) Standing Committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the Committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- (2) Standing Committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the Committee's meetings;
 - (b) on matters that are assigned by Council or the Mayor:
 - (i) as required by Council or the Mayor; or
 - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

Duties of select Committees

48. (1) Select Committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the Committee by the Council.
- (2) Select Committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

Schedule of Committee meetings

49. (1) At its first meeting after its establishment a standing or select Committee must establish a regular schedule of meetings.
- (2) The chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

Notice of Committee meetings

50. (1) Subject to subsection (2), after the Committee has established the regular schedule of Committee meetings, including the times, dates and places of the Committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each member of the Committee.
- (2) Where revisions are necessary to the annual schedule of Committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Committee meeting.
- (3) The chair of a Committee must cause a notice of the day, time and place of a meeting called under section 49(2) to be given to all members of the Committee at least 24 hours before the time of the meeting.

Attendance at Committee meetings

51. Council Members who are not members of a Committee may attend the meetings of the Committee.

Minutes of Committee meetings to be maintained and available to public

52. (1) Minutes of the proceedings of a Committee must be:
- (a) legibly recorded;
 - (b) certified by the Corporate Officer; and
 - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Quorum

53. The quorum for a Committee is a majority of all of its members.

Conduct and debate

54. (1) The rules of the Council procedure must be observed during Committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.

- (2) Council Members attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the Committee members present.
- (3) A motion made at a meeting of a Committee is not required to be seconded.

Voting at meetings

55. Council Members attending a meeting of a Committee of which they are not a member must not vote on a question.

PART 9 - COMMISSIONS

Schedule of Commission meetings

56. (1) At its first meeting after its establishment, a Commission must establish a regular schedule of meetings.
- (2) The chair of a Commission may call a meeting of the Commission in addition to the scheduled meetings or may cancel a meeting.

Notice of Commission meetings

57. (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the times, dates and places of the Commission meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each member of the Commission.
- (2) Where revisions are necessary to the annual schedule of the Commission meetings, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places which indicates any revisions to the date, time and place for cancellation of a Commission meeting.
- (3) The chair of a Commission must cause a notice of the day, time and place of a meeting called under section 56(2) to be given to all members of the Commission at least 24 hours before the time of the meeting.

Minutes of Commission meetings to be maintained and available to the public

58. (1) Minutes of the proceedings of a Commission must be:
- (a) legibly recorded;
 - (b) certified by the Corporate Officer; and
 - (c) signed by the presiding member at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Quorum

59. The quorum of a Commission is a majority of all of its members.

Conduct and Debate

60. The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this Bylaw.

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Community Charter Provisions

COMMUNITY CHARTER

[SBC 2003] CHAPTER 26

Part 4 — Public Participation and Council Accountability

Division 1 — Elections, Petitions and Community Opinion

Petitions to council

82 (1) A petition to a council is deemed to be presented to council when it is filed with the corporate officer.

(2) A petition to a council must include the full name and residential address of each petitioner.

Division 3 — Open Meetings

General rule that meetings must be open to the public

89 (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an

officer, employee or agent of the municipality or another position appointed by the municipality;

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

(c) labour relations or other employee relations;

(d) the security of the property of the municipality;

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council,

could reasonably be expected to harm the interests of the municipality if they were held in public;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 [*ombudsman to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Requirements before meeting is closed

92 Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,

(a) the fact that the meeting or part is to be closed, and

(b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

Part 5 — Municipal Government and Procedures

Division 1 — Council Roles and Responsibilities

Responsibilities of council members

115 Every council member has the following responsibilities:

(a) to consider the well-being and interests of the municipality and its community;

(b) to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;

(c) to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed;

(d) to carry out other duties assigned by the council;

(e) to carry out other duties assigned by or under this or any other Act.

Responsibilities of mayor

- 116** (1) The mayor is the head and chief executive officer of the municipality.
- (2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:
- (a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
 - (b) to communicate information to the council;
 - (c) to preside at council meetings when in attendance;
 - (d) to provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
 - (e) to establish standing committees in accordance with section 141;
 - (f) to suspend municipal officers and employees in accordance with section 151;
 - (g) to reflect the will of council and to carry out other duties on behalf of the council;
 - (h) to carry out other duties assigned by or under this or any other Act.

Duty to respect confidentiality

- 117** (1) A council member or former council member must, unless specifically authorized otherwise by council,
- (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and

(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

Division 2 — Council Proceedings

Exercise of powers by bylaw or resolution

122 (1) A council may only exercise its authority by resolution or bylaw.

(2) If an enactment provides that a council is required or empowered to exercise a power by bylaw, that power may only be exercised by bylaw.

(3) If a council may exercise a power by resolution, that power may also be exercised by bylaw.

(4) An act or proceeding of a council is not valid unless it is authorized or adopted by bylaw or resolution at a council meeting.

General voting rules

123 (1) Unless otherwise provided, a motion on a bylaw or resolution, or on any other question before council, is decided by a majority of the council members present at the meeting.

(2) Each council member has one vote on any question.

(3) Each council member present at the time of a vote must vote on the matter.

(4) If a council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative.

(5) If the votes of the members present at a council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

(6) A requirement under an enactment for an affirmative vote of a specified portion of all members of a council means an affirmative vote of that portion of the number of members of which the council consists under section 118 [*size of council*].

(7) The voting rules established by this section also apply to council committees.

Mayor may require council reconsideration of a matter

131 (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.

(2) As restrictions on the authority under subsection (1),

(a) the mayor may only initiate a reconsideration under this section

(i) at the same council meeting as the vote took place, or

(ii) within the 30 days following that meeting, and

(b) a matter may not be reconsidered under this section if

(i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or

(ii) there has already been a reconsideration under this section in relation to the matter.

(3) On a reconsideration under this section, the council

(a) must deal with the matter as soon as convenient, and

(b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the

same conditions that applied to the original consideration.

(4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Authority of presiding member

132 (1) The mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise, subject to an appeal under this section.

(2) On an appeal by a council member from a decision of the presiding member under subsection (1), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.

(3) As exceptions to section 123 [*general voting rules*],

(a) the mayor or other presiding member may not vote on a motion under subsection (2),

(b) the motion passes in the affirmative if the votes are equal, and

(c) the mayor or other presiding member must be governed by the result.

(4) If the mayor or presiding member refuses to put the question under subsection (2),

(a) the council must immediately appoint another member to preside temporarily,

(b) that other member must proceed in accordance with subsection (2), and

(c) a motion passed under this subsection is as binding as if passed under subsection (2).

Expulsion from meetings

133 (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.

(2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

Division 3 — Bylaw Procedures

Requirements for passing bylaws

135 (1) Before a bylaw is adopted by a council, it must be given 3 readings by the council.

(2) Subject to this section and the applicable procedure bylaw, a bylaw may be given up to 3 readings at one meeting of council.

(3) There must be at least one day between the third reading and the adoption of a bylaw.

(4) If this or another Act requires that a bylaw receive

(a) approval of the Lieutenant Governor in Council, a minister or the inspector, or

(b) approval of the electors or assent of the electors,

the approval or assent must be obtained after the bylaw has been given third reading and before it is adopted.

(5) If a bylaw is subject to both requirements referred to in subsection (4), the approval referred to in subsection (4) (a) must be obtained before the bylaw is submitted for the approval or assent referred to in subsection (4) (b).

(6) Once a bylaw is adopted,

(a) the council member presiding at the meeting at which it was adopted, and

(b) the corporate officer

must sign the bylaw.

When a bylaw comes into force

136 A bylaw comes into force on the later of

- (a) the date it is adopted by council, and
- (b) a date set by the bylaw.

Division 7 — Other Matters

Municipal days of recognition

157 A council may declare, or the mayor may proclaim, a day of recognition that is to be observed in the municipality.

Freedom of the municipality

158 (1) A council may, by unanimous vote, confer freedom of the municipality on

- (a) a distinguished person, or
- (b) a distinguished unit of the armed forces of Canada or another nation.

(2) Unless the council revokes the honour, a person given freedom of the municipality or the commander of the armed forces unit, as applicable,

- (a) is deemed to be an elector of the municipality and is eligible to be registered as such and to vote in an election for mayor or councillor, and
- (b) despite any other enactment, if the person is a Canadian citizen, is deemed to be qualified to be nominated, be elected and hold office on the council.