

DISTRICT OF LANTZVILLE

BYLAW NO. 118
COUNCIL PROCEDURE BYLAW

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[Some Council Procedures are established in Provincial Legislation, e.g. the Community Charter and Local Government Act. Some of these statutory requirements will be referenced in this Bylaw for information and convenience only. These are not a part of this Bylaw, will be inserted for reference only, and will be shown in italics and within square brackets. It is not a complete list. NOTE: The names of Legislation are also shown in Italics]

DISTRICT OF LANTZVILLE

BYLAW NO. 118

COUNCIL PROCEDURE BYLAW

A Bylaw to Govern Meetings of Council and Committees of Council

The Council of the District of Lantzville enacts as follows:

PART 1 - INTRODUCTION

Title

1. This bylaw may be cited as the “District of Lantzville Council Procedure Bylaw No. 118, 2016”.

Definitions

2. In this Bylaw,

“Chair” or “Presiding member” means the Mayor or member chairing a meeting;

“Commission” means a municipal commission established under section 143 of the *Community Charter*;

“Committee” means a standing, select, or other committee of Council, but does not include COTW;

“COTW” means the Committee of the Whole Council;

“Corporate Officer” means the Corporate Officer for the District of Lantzville as appointed under section 148 of the *Community Charter* (the Director of Corporate Administration);

“Council” means the Council of the District of Lantzville;

“District” means the District of Lantzville;

“District Office” means the District of Lantzville Municipal Hall, located at 7192 Lantzville Road, Lantzville, British Columbia;

“District’s Web Site” means the information resource found at www.lantzville.ca;

“Mayor” means the Mayor of the District of Lantzville;

“Public Notice Posting Place” means the District’s notice board at the entrance of the District Office.

“Unanimous Consent” means an informal way of taking a vote, used only for routine and non-controversial decisions, usually of a procedural nature, e.g.: The Chair asks: “Is there any objection to extending the time for this speaker by 2 minutes?,” pauses, and if no member objects, says: “There being no objections, the time is so extended.” If a member does object, the Chair takes show of hands: “There are objections and we’ll take a show of hands. Those in favour of granting an extra two minutes raise one hand. Thank you. Those opposed raise one hand. Thank you. The two minute extension has been granted”.

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, commissions and all standing and select committees of Council, as applicable.
- (2) The District’s Parliamentary Authority shall be the current edition of Robert’s Rules of Order Newly Revised (RONR), and it shall only apply in cases where the *Community Charter*, the *Local Government Act* and this Bylaw are silent, and then only to the extent that RONR is applicable to the situation. The rules shall be used to facilitate progress and shall be applied in the spirit of fairness, equality and common sense. Where the relevance or applicability of RONR is disputed, the Chair shall determine the issue, subject to an appeal, in which case the members may uphold or override the Chair’s ruling.
- (3) With the exception of provisions that originate in the *Community Charter*, the *Local Government Act* or other applicable legislation, the rules contained in this Bylaw or RONR may be suspended on a case by case basis by a majority vote or by unanimous consent. In a case where a specific procedural provision which does not originate in the *Community Charter* or the *Local Government Act* is inadvertently not adhered to, and no one’s rights are being infringed upon nor is any harm done to the proper transaction of business, the procedural provision shall be deemed to have been suspended for that specific case.

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) The Corporate Officer must give notice of the date, time and place of an Inaugural Meeting at least seventy-two hours before the time of the meeting, by posting a copy of the notice at the Public Notice Posting Place, and may be posted on the District’s Web Site and through other media and locations, if these options are available, and providing a copy of the notice for each member of Council-elect.

Time and location of regular Council meetings

5. (1) All regular Council meetings must take place within the District Office except when Council resolves to hold meetings elsewhere.
- (2) Council shall establish annually, by resolution, a schedule of regular Council meetings, whereby regular meetings will:
 - (a) begin at 7:00 pm;
 - (b) be held on two Mondays of each month, except as otherwise provided, and unless the Monday falls on a statutory holiday, in which case a Council meeting may not be held that week unless another meeting day is chosen;
 - (c) be held on one Monday in December;
 - (d) not be held during the month of August; and
 - (e) adjourn by 10:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time, in accordance with section 34.
- (3) Regular Council meetings may be varied in scheduled date or time, or cancelled by Council resolution, provided that two consecutive meetings are not cancelled.

Notice of regular Council meetings

6. (1) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must prepare annually, on or before January 1st, 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 Place.
- (2) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must give notice annually, on or before December 1st, of the time and duration that the schedule of regular Council meetings will be available, beginning on the first business day after January 1st, in accordance with section 94 of the *Community Charter [requirements for public notice]*.
- (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 Place which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.
- (4) The meeting schedule and amendments may be posted on the District's Web Site and through other media and locations, if these options are available.

Notice of special Council meetings

7. (1) Except where notice of a special meeting is waived by a unanimous vote of all Council members under section 127(4) of the *Community Charter [notice of council meeting]*, the Corporate Officer must give notice of the date, time, and place of a special Council meeting at least 24 hours before the time of meeting, by:
 - (a) posting a copy of the notice at the Public Notice Posting Place,
 - (b) posting a copy on the District's Web Site and through other media and locations, if these options are available, and
 - (c) leaving a copy of the notice for each Council member in the Council 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 Corporate Officer or the Mayor.

Electronic meetings

8. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter [electronic meetings and participation by members]* are met, the open portion of a special Council meeting to deal with an urgent matter or during an emergency may be conducted by means of electronic or other communication facilities if:
 - (a) necessary to ensure the minimum number of members required are present for the conduct of the intended business;
 - (b) the Mayor, Acting Mayor, two members of Council, or the Council requires; and
 - (c) the Corporate Officer has received sufficient notice and can make the necessary arrangements.
- (2) A member of Council who is unable to attend at the open portion of such a special Council meeting, may participate in the meeting by means of electronic or other communication facilities.
- (3) The member presiding at a special council meeting must not participate electronically. If the Mayor is a member participating by means of electronic or other communication facilities, the meeting shall be chaired by the Acting Mayor unless the Acting Mayor is not present in person, in which case, Council shall appoint another member, from among those present in person, to chair the meeting.
- (4) If the electronic or other communication facilities are disrupted or fail during the meeting:
 - (a) the participant affected will attempt to reestablish the link and in the interim, will be deemed to have left the meeting and the Corporate Officer will record this in the minutes;

- (b) if there is not a quorum, the member presiding will call a recess until the link is reestablished; and
- (c) if after 10 minutes, a link cannot be reestablished and there is not a quorum of Council, the meeting will be deemed adjourned, the Corporate Officer will note this in the minutes and the remaining agenda items will be added to the next agenda.

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

- 9. (1) At the Inaugural Council meeting, and at subsequent regular or special Council meetings during the Council term when a change to members designated is required, Council must, from amongst its members, designate Councillors to serve on a rotating basis with a specified schedule 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 a Council meeting, the Council members present must choose a Councillor to preside at the Council meeting until the Mayor or Acting Mayor arrives.
- (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 [*Open Meetings*] and Division 2 of Part 5 [*Council Proceedings*].

Attendance of public at meetings

- 11. (1) Except where the provisions of section 90 of the *Community Charter* [*meetings that may or must be closed to the public*] 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* [*requirements before Council meeting is closed*].

- (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) parcel tax review panel;
 - (d) board of variance;
 - (e) advisory bodies such as advisory planning commission; and
 - (f) commissions.
- (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 member of the public in accordance with section 133 of the *Community Charter*.

[*Community Charter*

133. *Expulsion from Meetings*

- (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.]*

Minutes of meetings to be maintained and available to public

12. (1) Minutes of the proceedings of Council must:
 - (a) be legibly recorded;
 - (b) not record the names of the mover and seconder of a motion;
 - (c) not record motions that are withdrawn;
 - (d) record the name(s) of those members opposed or record the motion as “Carried Unanimously” as stated by the presiding member when declaring the result of voting;
 - (e) be certified as correct by the Corporate Officer; and
 - (f) be signed by the Mayor or other member presiding 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* [other records to which public access must be provided] 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* [meetings that may be closed to the public].

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 the meeting to order, and preside at the meeting until the Mayor arrives.
- (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 is not present at 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 until the Mayor or Acting Mayor arrives.

[Community Charter

129. (1) Subject to an order under subsection (3){from the Minister re vacancies} or (4){from the Supreme Court re disclosure of conflicts}, the quorum is a majority of the number of members of the council provided for under section 118 [*size of council*].]

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:
 - (a) record the names of the members present, and those absent; and
 - (b) 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, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting agenda is 2:00 pm on the Tuesday prior to a Monday meeting. In the event a meeting is held on a day other than a Monday, then the deadline for submissions by the public shall be 2:00 pm on the sixth working day before the day of the meeting.
- (3) The Corporate Officer must make the agenda available to the members of Council and the public no later than the Thursday 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 23.

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, if there is business to be listed under the matter:
 - (a) Adoption of the Agenda
 - (b) Recognition
 - (c) Declaration of Conflict
 - (d) Public and Statutory Hearings
 - (e) Invited Presentations and Public Delegations
 - (f) Public Input Period
 - (g) Approval of the Minutes
 - (h) Business Arising from the Minutes
 - (i) Consent Agenda
 - (j) Bylaws
 - (k) Correspondence
 - (l) Reports
 - (m) Unfinished Business
 - (n) New Business
 - (o) Introduction of Late Items
 - (p) Notice of Motion
 - (q) Public Clarification/Input Period
 - (r) Motion to Close the Meeting to the Public [*Community Charter*, section 90]
 - (s) 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.

Adoption of the Agenda

17. Adoption of the Agenda as presented or as amended, includes receipt of all business items, e.g. reports, minutes and delegations, included in the agenda. Separate motions to receive are not required.

Declaration of Conflict

18. During the Declaration of Conflict portion of the agenda, a member may announce, **if known at that time**, their intent to make a declaration during the meeting, regarding a specific listed agenda item in accordance with section 100/101 of the *Community Charter*. Immediately prior to that agenda item, the member will disclose

in accordance with the *Community Charter*, stating in general terms the reason why the member has a direct or indirect pecuniary interest in the matter or another interest in the matter that constitutes a conflict of interest, before leaving the meeting. In accordance with the *Community Charter*, the person recording the minutes will include in the minutes the declaration or statement, the reason given for it and the time of the member's departure and, if applicable, return to the meeting.

Delegations

19. (1) A delegation (individual or group) may apply to address Council at a meeting by providing a written application on a prescribed form to the Corporate Officer by 2:00 pm on the Tuesday of the week prior to a Monday meeting. In the event a meeting is held on a day other than a Monday, then the deadline for submissions by the public shall be 2:00 pm on the sixth working day before the day of the meeting. Delegation applications must include:
 - (a) the name(s) and address(es) of the speaker(s) and the organization, if applicable, comprising the delegation and the contact information (address, telephone number and email address);
 - (b) a short description of the subject matter as the title;
 - (c) a full description of the subject matter, including any supporting documents; and
 - (d) the proposed action which is within the jurisdiction of the District, which the delegation wishes Council to take in response to the submission.
- (2) Each delegation must be limited to 10 minutes unless extended by an affirmative vote of the Council members present. Speakers shall be limited to the subject matter specified in the written request. After completing their presentation, Council may ask questions, and after responding, the delegation shall take their seats in the public gallery. After the delegation has been seated, Council may refer the subject to New Business, later in the agenda, to discuss the subject further and will generally refer the subject matter to a future meeting, staff or committee, for additional information, or may take no action or such other action as Council deems appropriate.
- (3) Where written application has not been received by the Corporate Officer as prescribed in section 19 (1), a delegation may address the meeting if approved by an affirmative vote of the Council members present. Council when considering whether to approve adding a late delegation to the agenda, will consider whether the item arose since the agenda deadline for submissions, if the delegation can be heard at the next meeting, and whether the topic is time-sensitive and requires urgent consideration. A late delegation must be limited to 5 minutes unless extended by an affirmative vote of the Council members present.

- (4) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (5) The Corporate Officer may schedule delegations to another Council meeting or advisory body or refer to staff, as deemed appropriate, according to the subject matter of the delegation, including for land use amendment applications in progress, referral to applicant's Public Information Meeting, statutory Public Hearing, and other public input opportunities.
- (6) The Corporate Officer may refuse to place a delegation on an agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.

Public Input Period

20. During the Public Input Period at the beginning of the meeting, the Chair shall confirm those members of the public in attendance wishing to provide comment regarding items listed on the Council agenda for that meeting (excluding public hearing topics), and shall allot time for each to ask their question. A person recognized by the Chair to speak:
 - (a) must first state their name and address for the record;
 - (b) may speak once for up to 2 minutes each, unless Council resolves otherwise;
 - (c) is limited to providing comment regarding items listed on the Council agenda for that meeting (excluding public hearing topics).

Consent Agenda

21. (1) Consent Agendas are intended for Regular Council meetings only and for routine business items that can be approved with a single motion and do not need any discussion or debate. It may include Bylaws, Correspondence, Minutes, and any "Information Only" reports.
- (2) Items listed in the Consent Agenda are considered for approval in one motion unless a member of Council wishes to remove an item, to ask questions regarding it or have a separate vote on it.
- (3) The presiding member will ask members what items, if any, they wish to be removed from the Consent Agenda to be discussed or debated individually.
- (4) If any member requests that an item be removed from the Consent Agenda, it must be removed. Members may request that an item be removed for any reason.

- (5) Corrections to minutes may be noted without removing the item from the Consent Agenda.
- (6) The presiding member will then ask that the members adopt those items not removed from the Consent Agenda.
- (7) Removed items will then be discussed, debated, and voted on individually.

Public Clarification/Input Period

22. During the Public Clarification/Input Period near the end of the meeting, the Chair shall confirm those members of the public in attendance wishing to ask clarification questions or provide comment regarding business discussed by Council at that meeting (excluding public hearing topics), and shall allot time for each to ask their question. A person recognized by the Chair to speak:
 - (a) must first state their name and address for the record;
 - (b) may speak once for up to 2 minutes each, unless Council resolves otherwise
 - (c) is limited to asking clarification questions or providing comment regarding business discussed by Council at that meeting (excluding public hearing topics)
 - (d) may choose to submit their question in writing to the Corporate Officer for response from staff after the meeting.

Late Items

23. (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 an affirmative vote of the Council members present, at the time allocated on the agenda for such matters. Such late items shall be kept to a minimum, so as to advance transparency. Council, when considering whether to approve adding a late item, will consider whether the item arose since the agenda deadline for submissions, if the item can be considered at the next meeting, if it is time-sensitive and requires urgent consideration, if it may require additional information or a staff report, and whether it should be introduced as a Notice of Motion.
- (2) If the Council makes a motion under section 23 (1), information available pertaining to late items must be distributed to the members.

[Community Charter 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.]*

Voting at meetings

24. (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 members;
- (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating, or words to the like effect:
"All those in favour?" (members in favour are expected to raise their hands) and then "Those opposed?" (members opposed are required to raise their 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 paragraph (b), a member must not speak to the question or make a motion concerning it;
- (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 shall signify their vote by raising their hand, and, if not signified, it is counted in the affirmative; and
- (g) the presiding member must declare the result of the voting by stating the name(s) of those members opposed and that the question is decided in either the affirmative or the negative ("Carried" or "Carried Unanimously" or "Defeated").

Points of order

25. (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, 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 Council 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 Council 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.

[Community Charter

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).]*

Conduct and debate

26. (1) A Council 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 must 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 the 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 [authority of presiding member]*.
- (7) Members speaking at a Council meeting:
- (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must 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 from the meeting by a peace officer; and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) A member may speak any number of times on the same question, as long as they are presenting new information, questions or perspectives. However, a member must not speak longer than a total of 10 minutes on any one question.

Motions generally

27. (1) Council may debate and vote on a motion only if it is first made by one Council 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 Council member may make only the following motions, when the Council is considering a question:
- (a) to refer to committee, another person or group for consideration, or further information;

- (b) to amend;
 - (c) to lay on the table (postpone the question until later in the same meeting in order to consider a more urgent matter);
 - (d) to postpone indefinitely (to drop the main motion without a direct vote on it);
 - (e) to postpone to a certain time;
 - (f) to move the previous question (closes debate on the immediately pending motion); or
 - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable, with the exception that a motion to postpone to a certain time is debatable only as to the time and reasons for the postponement, and is amendable only to change the time to which the main motion is to be postponed.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting, if requested by a Council member.

Motion to refer

28. Until it is decided, a motion made at a Council meeting to refer to committee, another person or group, precludes an amendment of the main question.

Motion for the main question

29. (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 of Council 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

30. (1) A Council 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 by Council 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 defeated by a vote of Council cannot be proposed again.
- (7) A Council 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 Council member

[In addition to the Mayor's right of reconsideration found at s.131 of the Community Charter]

31. (1) Subject to subsection (5), a Council 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) A Council member who voted affirmatively for a resolution adopted by Council may, at any time, move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) 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* [*Mayor may require Council reconsideration of a matter*]; or
 - (c) been acted upon by an officer, employee, or agent of the District.

- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding, apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* [Mayor may require Council reconsideration of a matter] is as valid, and has the same effect, as it had before reconsideration.

[Community Charter

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.]*

Privileged Motions

32. (1) Privileged motions do not relate to the pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. In this section, a matter of privilege refers to any of the following motions to:
 - (a) fix the time to adjourn – sets the time for an “adjourned meeting” which is a continuation of the same meeting to conclude the same order of business. Adoption of this motion does not adjourn the present meeting or set the time for its adjournment;
 - (b) adjourn – a motion to close the meeting;
 - (c) recess – a short intermission which does not close the meeting. After the recess, business resumes at exactly the point where it was interrupted;

- (d) raise a question of privilege of the Council – to bring an urgent request or a main motion relating to a right or privilege of the members up for immediate consideration, e.g. noise, inadequate ventilation;
 - (e) raise a question of privilege of a member of Council - to bring an urgent request or a main motion relating to a right or privilege of a member of Council up for immediate consideration, e.g. introduction of a confidential subject in the presence of guests.
- (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

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

Adjournment

34. (1) Council may continue a Council meeting after 10:00 pm only by an affirmative vote of the Council 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; or
 - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

PART 5 - BYLAWS

Copies of proposed bylaws to Council members

35. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member before the Council meeting, or if all Council members present unanimously agree to waive this requirement.

Form of bylaws

36. 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

37. Council must consider a proposed bylaw at a Council meeting either:

- (a) separately when directed by the presiding member or requested by another Council member; or
- (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

Reading and adopting bylaws

38. (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 name and number.
- (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 882 of the *Local Government Act [Official Community Plan adoption procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter [requirements for passing bylaws]*, 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 [requirements for passing bylaws]*, and in accordance with section 890(9) of the *Local Government Act [public hearings]*, 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

39. 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 - RESOLUTIONS

Copies of resolutions to Council members

40. A resolution may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least before the Council meeting, or if there is no objection from Council members in attendance to receiving the resolution at the meeting, otherwise unanimous agreement of all Council members present is required.

Form of resolution

41. A resolution introduced at a Council meeting should be printed. If a resolution introduced at a Council meeting is not in writing, a member of Council may request the presiding member or the Corporate Officer to read aloud the resolution or call for a recess to have the resolution printed.

Introducing resolutions

42. The presiding member of a Council meeting may:
- (a) have the Corporate Officer read the resolution; and
 - (b) request a motion that the resolution be introduced.

PART 7 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

43. (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

44. (1) Subject to subsection (2), a notice of the date, time 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 Place;
 - (b) posting a copy on the District's web site and through other media and locations, if these options are available; and
 - (c) leaving a copy of the notice for each Council member in the Council member's mailbox at the District Office.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 43, during a Council meeting for which public notice has been given under section 6 or 7.

COTW Agenda

45. (1) The Corporate Officer must:
- (a) Prepare an agenda setting out all items for consideration at each COTW meeting, except for a COTW called in accordance with s. 43(1);
 - (b) Make the agenda available to the public and Council at least 24 hours before the time of the meeting by:
 - (i) posting a copy of the agenda at the Public Notice Posting Place;
 - (ii) posting a copy on the District's web site and through other media and locations, if these options are available; and
 - (iii) leaving a copy of the agenda for each Council member in the Council member's mailbox at the District Office.

Minutes of COTW meetings to be maintained and available to public

46. Minutes of the proceedings of COTW must:
- (a) be legibly recorded;
 - (b) not record the names of the mover and seconder of a motion;
 - (c) not record motions that are withdrawn;
 - (d) record the name(s) of those members opposed or record the motion as "Carried Unanimously" as stated by the presiding member when declaring the result of voting;
 - (e) be certified by the Corporate Officer;
 - (f) be signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are approved; and

- (g) open for public inspection in accordance with section 97(1)(c) of the *Community Charter* [other records to which public access must be provided].

Presiding members at COTW meetings and quorum

- 47. (1) The Mayor or the member designated under section 9 shall preside in a COTW meeting.
- (2) If both the Mayor and the member designated under section 9 are absent, the members of Council attending a meeting of COTW must appoint a presiding member for the COTW meeting.
- (3) The quorum of COTW is the majority of Council members.

Points of order at meetings

- 48. 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

- 49. The following rules apply to COTW meetings:
 - (a) a motion for adjournment is not allowed during discussion or debate of a motion;
 - (b) a member may speak any number of times on the same question, as long as they are presenting new information, questions or perspectives; and
 - (c) a member must not speak longer than a total of 15 minutes on any one question.

Voting at meetings

- 50. (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 by stating the name(s) of those members opposed and that the question is decided in either the affirmative or the negative (“Carried” or “Carried Unanimously” or “Defeated”).

Reports

- 51. (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 Council 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 may be in the form of the minutes of the meeting, and the recommendations to Council, in the form of the motions, that the Corporate Officer shall add to a Council agenda or staff may include in reports.

Rising without reporting

52. (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 43(1), the Council meeting must resume and proceed to the next order of business.

PART 8 - COMMITTEES

[Community Charter

Standing committees of council

141. (1) *The mayor must establish standing committees for matters the mayor considers would be better dealt with by committee and must appoint persons to those committees.*
- (2) *At least half of the members of a standing committee must be council members.*
 - (3) *Subject to subsection (2), persons who are not council members may be appointed to a standing committee.*

Select committees of council

- 142 (1) *A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.*
- (2) *At least one member of a select committee must be a council member.*
 - (3) *Subject to subsection (2), persons who are not council members may be appointed to a select committee.]*

Duties of standing committees

53. (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; and
 - (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

54. (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

55. (1) At its first meeting after its establishment, a standing or select committee must establish a regular schedule of meetings, unless the Mayor, for standing committees, or Council, for select committees, specifies a meeting schedule when establishing the committee.
- (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

56. (1) Subject to subsection (2), after the committee, the Mayor or Council, as applicable, has established the regular schedule of committee meetings, including the dates, times 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 Place;
 - (b) posting a copy of the schedule on the District's web site and through other media and locations, if these options are available; and
 - (c) 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 Place which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The Chair of a committee must cause, through the Corporate Officer, a notice of the date, time and place of a meeting of a committee called under section 55 (2) to be given to all members of the committee at least 24 hours before the time of the meeting.

Committee Agenda

57. (1) The Corporate Officer must:
- (a) Prepare an agenda setting out all items for consideration at each meeting,
 - (b) Make the agenda available to the public and committee members at least 24 hours before the time of the meeting by:
 - (i) posting a copy of the agenda at the Public Notice Posting Place;
 - (ii) posting a copy on the District's web site and through other media and locations, if these options are available; and
 - (iii) leaving a copy of the agenda at the District Office for each member.

Attendance at committee meetings

58. 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

59. Minutes of the proceedings of a committee must be:
- (a) legibly recorded;
 - (b) certified by the Corporate Officer;
 - (c) signed by the Chair or member presiding at the meeting or at the next meeting at which the minutes are approved; and
 - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter* [other records to which public access must be provided].

Quorum

60. The quorum for a committee is a majority of all of its members.

Conduct and debate

61. (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, attend as observers.

Voting at meetings

62. (1) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- (2) The presiding member must declare the result of the voting by stating the name(s) of those members opposed and that the question is decided in either

the affirmative or the negative (“Carried” or “Carried Unanimously” or “Defeated”).

PART 9 - COMMISSIONS

[Reference *Community Charter*, section 143 Municipal commissions, and *Local Government Act*, section 461 Advisory planning commission]

Schedule of commission meetings

63. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings, unless Council specifies a meeting schedule when establishing the commission.
- (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

64. (1) Subject to subsection (2), after the commission or Council, has established the regular schedule of commission meetings, including the dates, times 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 Place;
 - (b) posting a copy of the schedule on the District’s web site and through other media and locations, if these options are available; and
 - (c) 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 a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place for cancellation of a commission meeting.
- (3) The Chair of a commission must cause, through the Corporate Officer, a notice of the date, time and place of a meeting called under section 63(2) to be given to all members of the commission at least 24 hours before the time of the meeting.

Commission Agenda

65. (1) The Corporate Officer must:
- (a) Prepare an agenda setting out all items for consideration at each meeting;
 - (b) Make the agenda available to the public and committee members at least 24 hours before the time of the meeting by:
 - (i) posting a copy of the agenda at the Public Notice Posting Place;

- (ii) posting a copy on the District's web site and through other media and locations, if these options are available; and
- (iii) leaving a copy of the agenda at the District Office for each member.

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

66. Minutes of the proceedings of a commission must be:

- (a) legibly recorded;
- (b) certified by the Corporate Officer;
- (c) signed by the Chair or a member presiding at the meeting or at the next meeting at which the minutes are approved; and
- (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

Quorum

67. The quorum of a commission is a majority of all of its members.

Conduct and Debate

68. 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.

PART 10 - GENERAL

69. If any section, subsection or clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

70. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter [public notice]*.

71. District of Lantzville Council Procedure Bylaw No. 18 - 2004 is repealed.

READ A FIRST TIME THIS 12th day of October, 2016.

READ A SECOND TIME THIS 12th day of October, 2016.

READ A THIRD TIME THIS 12th day of October 2016.

ADOPTED THIS 14th day of November, 2016.

ORIGINAL SIGNED BY
Mayor

ORIGINAL SIGNED BY
Deputy Director of Corporate Administration