

## **COUNCIL PROCEDURE BYLAW, 2015, NO. 9321**

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Includes Bylaw Amendments:

No. 9376, 9456 and 9514.

# THE CORPORATION OF THE DISTRICT OF SAANICH

## BYLAW NO. 9321

### TO REGULATE THE PROCEEDINGS OF THE COUNCIL AND COUNCIL COMMITTEES

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The Council of the Corporation of the District of Saanich enacts as follows:

#### PART 1 - INTRODUCTION

##### Title

1. This Bylaw may be cited as the "**COUNCIL PROCEDURE BYLAW, 2015, NO. 9321**".

##### Definitions

2. In this Bylaw:

"Administrator" means the appointed Chief Administrative Officer for the District;

"C/W" means the Committee of the Whole Council;

"Committee" means a standing, select, advisory or other committee of Council but does not include C/W;

"Corporate Officer" means the appointed Corporate Officer for the District;

"Council" means the Municipal Council of the District of Saanich;

"Councillor" means a Councillor of the District;

"Delegation" means a presentation for information from a person or persons on behalf of an organization or association.

"District" means the Corporation of the District of Saanich;

"In Camera meeting" means a meeting or part thereof closed to the public;

"Mayor" means the Mayor of the District;

"Motion" includes a resolution;

"Municipal Hall" means the Saanich Municipal Hall located at 770 Vernon Avenue, Saanich, British Columbia;

"Municipal Website" means the information resource found at an internet address provided by the District;

“Public Notice Posting Places” means the Municipal Hall notice board and optionally the municipal website.

### **Application of Rules of Procedure**

3. (a) The provisions of this Bylaw govern the proceedings of Council, C/W and all committees of Council, as applicable.
- (b) In cases not provided for under this Bylaw, the 1999 edition of *Webster's New World Robert's Rules of Order* apply to the proceedings of Council, C/W and all committees of Council to the extent that those Rules are:
  - (i) applicable in the circumstances, and;
  - (ii) not inconsistent with provisions of this Bylaw or the *Community Charter*.

### **Suspension of Rules of Procedure**

4. The rules of procedure contained in this Bylaw except those that are governed by statutory provisions, may be temporarily suspended by a majority vote of the Council members present.

## **PART 2 - DUTIES, ROLES AND RESPONSIBILITIES OF THE COUNCIL**

### **Roles and Responsibilities of Members of Council**

5. Every Council member has the following responsibilities:
  - (a) to consider the well-being and interests of the District and its community;
  - (b) to contribute to the development and evaluation of the policies and programs of the District respecting its services and other activities;
  - (c) to participate in Council meetings, C/W meetings, committee meetings and meetings of other bodies to which the member is appointed;
  - (d) to carry out other duties assigned by the Council; and,
  - (e) to carry out other duties assigned by or under the *Community Charter* or any other Act.

### **Duty to Respect Confidentiality**

6. 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 District, until the record is released to the public as lawfully authorized or required; and
  - (b) keep in confidence information considered in any part of an In Camera Council, C/W or committee meeting, until the Council, C/W or committee discusses the information at a meeting that is open to the public or releases the information to the public.

### **Roles and Responsibilities of the Mayor**

7. The Mayor is the Head and Chief Executive Officer of the District and 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 District;
  - (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 policies, programs and other directions of Council;
  - (e) to establish standing committees in accordance with section 73 of this Bylaw;
  - (f) to suspend municipal officers and employees in accordance with section 151 of the *Community Charter*;
  - (g) to reflect the will of Council and to carry out other duties on behalf of the Council; and,
  - (h) to carry out other duties assigned by or under this or any other Act.

### **Designation of Member to Act in Place of Mayor**

8.
  - (a) Annually in December, Council shall from among its members designate Councillors to serve on a rotating basis as Acting Mayor in the place of the Mayor when the Mayor is absent or otherwise unable to act.
  - (b) In the event the Office of the Mayor becomes vacant, the Council shall designate a member to be Acting Mayor and such Acting Mayor shall continue in office until such time as another Mayor is elected or otherwise appointed.
  - (c) If both the Mayor and Acting Mayor are absent from a Council meeting, the member next in succession from the rotating roster established under Section 8(a) shall preside at the Council meeting.
  - (d) Other than at a Council meeting, if both the Mayor and the Acting Mayor are absent or otherwise unable to act, the member next in succession on the rotating roster established under 8(a) shall be the Acting Mayor.
  - (e) The Acting Mayor designated under subsections (a), (b), (c) or (d) has the same powers and duties as the Mayor in relation to the applicable matter.

### **Mayor May Require Council Reconsideration**

9. The Mayor may, at any time within 30 days after its adoption, require Council to reconsider and vote again on a matter that was the subject of a vote, provided the matter has not had the approval of the electors, the assent of the electors or already been reconsidered under this section.

### **PART 3 - TIME, LOCATION, NOTICE AND MINUTES OF COUNCIL MEETINGS**

#### **Inaugural Meeting of Council**

10. (a) Following the general local election, the first Council meeting shall be held on the first Monday in November in the year of the election.
- (b) If a quorum of Council elected at the general local election has not taken office by the date of the meeting referred to in subsection (a), the first Council meeting shall be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

#### **Time, Location and Adjournment of Meetings**

11. (a) Regular Council meetings and Public Hearings shall take place within the Municipal Hall except when Council resolves to hold regular Council meetings and Public Hearings elsewhere in the Municipality.
- (b) Regular Council meetings will be held bi-weekly on the opposite Mondays of C/W, except that there will be no regular Council meeting:
  - (i) in any week during which a statutory holiday falls;
  - (ii) in the weeks during which the annual general meetings of the Union of British Columbia Municipalities, Association of Vancouver Island and Coastal Communities, and the Federation of Canadian Municipalities are held;
  - (iii) the last Monday in July and the last Monday in August; and
  - (iv) the two Mondays before and the Monday after general voting day.
- (c) Public Hearings may be held as part of a regular Monday Council meeting or on another day to be set out in the schedule pursuant to section 12(a) of this Bylaw.
- (d) Regular Council meetings and Public Hearings shall begin at 7:00 pm and be adjourned at 11:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time by an affirmative vote of the majority of the Council members present.
- (e) Notwithstanding subsection (d), regular Council meetings may begin at 6:00 pm or later if a portion of the regular meeting is to be held In Camera pursuant to section 90 of the *Community Charter*, and provided that the portion of the regular meeting that is held in the Council Chambers begins at 7:00 pm.
- (f) Regular Council meetings and Public Hearings may be cancelled by an affirmative vote of the majority of the Council members present or by the Corporate Officer where he or she determines that there is insufficient business to warrant the holding of a regular Council meeting or a Public Hearing. The Corporate Officer, prior to cancelling a regular Council meeting or a Public Hearing, shall consult with the Administrator, and shall advise the Mayor.
- (g) Notwithstanding subsection (a), in accordance with section 134.1 of the *Community Charter* Council may hold a special Council meeting outside the boundaries of the District to deal with an urgent matter.

### **Notice of Council Meetings**

12. (a) A schedule of the date, time and place of regular Council meetings and Public Hearings shall be made available to the public and notice shall be given annually, on or before January 30, of the availability of the schedule in accordance with section 94 of the *Community Charter*.

### **Notice of Special Council Meetings**

13. (a) Except where notice of a special meeting is waived by unanimous vote of all Council members, a notice of the date, time and place of a special Council meeting shall be given at least 24 hours before the time of the meeting by:
- (i) posting a copy of the notice in the Council Chambers at the Municipal Hall;
  - (ii) posting a copy of the notice at the public notice posting places; and,
  - (iii) leaving one copy of the notice for each Council member at the place to which the member has directed notices be sent.
- (b) The notice under subsection (a) shall describe in general terms the purpose of the meeting and be signed by the Mayor or Corporate Officer.

### **Electronic Meetings**

14. (a) A special Council meeting to deal with an urgent matter may be conducted by means of electronic or other communication facilities, if necessary to ensure the minimum number of members required are present for the conduct of the intended business.
- (b) The communication facilities used for electronic meetings must permit the meeting participants to hear each other and, except for any part of the meeting which is closed in accordance with sections 18 and 19 of this Bylaw, permit the public present at the meeting to hear the participation of all members during the meeting.

### **Minutes of Council Meetings**

15. (a) It is the responsibility of the Corporate Officer to ensure that minutes of Council meetings, representing a summary of the proceedings, are prepared and certified as accurate.
- (a) The minutes of Council meetings shall be signed by the Mayor or Acting Mayor presiding at the meeting.

## PART 4 - ATTENDANCE OF PUBLIC AT MEETINGS

### Application of Rules in this Part to other Bodies

16. In addition to applying to Council meetings, this Part also applies to the meetings of the following:
- (a) C/W;
  - (b) committees;
  - (c) an advisory body established by Council;
  - (d) a municipal commission established under section 143 of the *Community Charter*;
  - (e) a body that under the *Community Charter* or another Act may exercise the powers of the District or Council;
  - (f) the Board of Variance;
  - (g) a parcel tax roll review panel established under section 204 of the *Community Charter*; and,
  - (h) a body prescribed by Provincial regulation.

### General Rule that Meetings Must be Open to the Public

17. Meetings of Council must be open to the public except as provided in this Part.

### In Camera Meetings May be Held

18. A Council meeting or a part thereof may be closed to the public, and shall be called an In Camera meeting, if the subject matter being considered relates to 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 District or another position appointed by the District;
  - (b) personal information about an identifiable individual who is being considered for a District award or honour, or who has offered to provide a gift to the District on condition of anonymity;
  - (c) labour relations or other employee relations;
  - (d) the security of the property of the District;
  - (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 District;
  - (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 District;
  - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the District, other than a hearing to be conducted by the Council or a delegate of the 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 District if they were held in public;
- (l) discussions with municipal officers and employees respecting District objectives, measures and progress reports for the purposes of preparing an annual report under section 98 of the *Community Charter*;
- (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 section or section 19 of this Bylaw; and,
- (o) the consideration of whether the authority under section 20 of this Bylaw should be exercised in relation to a Council meeting.

### **In Camera Meetings Must be Held**

19. A Council meeting or a part thereof must be closed to the public, and shall be called an In Camera meeting, if the subject matter being considered relates to one or more of the following:
- (a) the consideration of information received and held in confidence relating to negotiations between the District 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;
  - (b) a matter that is being investigated under the *Ombudsman Act* of which the District has been notified under section 14 of that Act;
  - (c) a matter that, under another enactment, is such that the public must be excluded from the meeting; and
  - (d) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under Section 23 (2) of the *Auditor General for Local Government Act*.

### **Attendance at In Camera Meetings**

20. (a) Council may allow one or more District officers or employees to attend or exclude them from attending In Camera meetings, as it considers appropriate.
- (b) Council may allow a person other than a District officer or employee to attend In Camera meetings if Council considers this necessary, and in the case of In Camera meetings under section 19 of this Bylaw if the person already has knowledge of the confidential information or is a lawyer attending to provide legal advice in relation to the matter.
- (c) The minutes of In Camera meetings must record the names of all persons in attendance.



### **Resolution Required before In Camera Meeting**

21. Before an In Camera meeting is held, Council must state, by resolution passed in a public meeting, the fact that the meeting or part thereof is to be closed, and the basis under section 90 of the *Community Charter* on which the meeting or part thereof is to be closed.

### **Bylaws and In Camera Meetings**

22. Council must not vote on the reading or adoption of a bylaw at an In Camera meeting.

### **Conduct at Meetings**

23. (a) The Mayor, Acting Mayor or other member presiding as chair at a Council meeting may refuse to allow a person to be heard or continue to be heard if the person is using profane or vulgar language or making offensive signs or gestures.
- (b) If the Mayor, Acting Mayor or other member presiding as chair at a Council meeting considers that another person at the meeting is acting improperly, the Mayor, Acting Mayor or chair may order that the person is expelled from the meeting.
- (c) If the person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (a) as if it were a court order.

## **PART 5 - COUNCIL PROCEEDINGS**

### **Term “Mayor” includes Acting Mayor**

24. In the remainder of this Bylaw, the term “Mayor” shall include Acting Mayor.

### **Quorum**

25. A quorum for conducting business at a Council meeting shall be five members.

### **Call to Order**

26. As soon after the time appointed for the meeting as a quorum is present, the Mayor shall take the chair and call the meeting to order.

### **Non Attendance of Mayor**

27. If the Mayor and the Acting Mayor do not attend the meeting within 15 minutes after the time appointed for the meeting, the Corporate Officer shall call the meeting to order and if a quorum is present, a chair shall be chosen to preside during the meeting or until the arrival of the Mayor or Acting Mayor.

### **No Quorum**

28. If there is no quorum present within 30 minutes after the time appointed for the meeting, the Corporate Officer shall record the names of the members present at the expiration of the 30 minutes and the Council shall stand adjourned.

### **Order and Scheduling of Business**

29. The order of business at all regular Council meetings shall be as follows:
- (a) Open Forum
  - (b) Awards Presentations;
  - (c) Public Hearing;
  - (d) Appeals;
  - (e) Delegations;
  - (f) Adoption of Minutes;
  - (g) Rise and Report of Motions from Closed Meetings;
  - (h) Council Deliberations following Receipt of Public Input at C/W;
  - (i) Bylaws for Final Reading; Ratification of Permit Approval; Bylaws for First Reading (subject to Public Hearing);
  - (j) Public Input on Business Items under subsections (j), (k), (l), (m), (n) and (o);
  - (k) Bylaws for Three Readings;
  - (l) Resolutions for Adoption;
  - (m) Recommendations from Committees;
  - (n) Reports from Members of Council;
  - (o) Reports from the Administrator or Directors.
30. (a) Recommendations from committees may be scheduled for a C/W meeting rather than a regular Council meeting at the request of the committee chairperson, provided that the request is made to the Corporate Officer in advance of scheduling.
- (b) Reports from members of Council may be scheduled for a C/W meeting rather than a regular Council meeting at the request of the Council member, provided that the request is made to the Corporate Officer in advance of scheduling.

### **General Rules of Conduct and Debate**

31. (a) Every member in speaking to any motion shall address themselves to the Mayor.
- (b) Debates shall be strictly relevant to the motion before the meeting and the Mayor shall warn speakers who violate this rule.
- (c) Members shall address the Mayor as "Mr. Mayor or Madam Mayor" and shall address each other as "Councillor", followed by the name of the person referred to.
- (d) No member shall speak until recognized by the Mayor. At a Council meeting, a member of Council may speak to a motion twice for a maximum of five (5) minutes each time. No member of Council shall speak a second time until all have had the first opportunity to speak. At a Committee of the Whole meeting, a member of Council may speak twice on an item, but are limited to a maximum of five (5) minutes each time.

- (e) A question of privilege (an urgent matter dealing with the welfare of the Council as a whole or of a member personally) may be raised at any time and shall be ruled on immediately by the Mayor before resumption of business.
- (f) When two or more members commence to speak, the Mayor shall name the member who, in their opinion, first spoke; but a motion may be made that any member who has commenced to speak “be now heard” and such motion shall be treated as a point of order.
- (g) Points of order to correct a breach in the rules of procedure shall be raised at the time the breach occurs. After the motion has been discussed, it is too late to raise the question as to whether it was in order for the chair to rule the motion out of order unless the motion is in violation of the law, or of the rules and orders of this Bylaw.
- (h) The Mayor shall preserve order at the meeting and decide points of order which may arise, subject to an appeal by the other members of the Council then present.
- (i) On an appeal by a Council member of the decision of the Mayor on a point of order, the motion shall be immediately put by the Mayor and decided without debate “shall the chair be sustained?” and the Mayor shall be governed by the vote of the majority of the members then present, excluding the Mayor. In the event of the votes being equal, the motion shall pass as in the affirmative. The names of the Council members voting for or against the motion shall be recorded in the minutes.
- (j) If the Mayor refuses to put the motion “shall the chair be sustained?”, the Council shall immediately appoint a member to preside temporarily and that member shall proceed in accordance with subsection (i). A resolution or motion carried under this subsection is as binding as if carried under subsection (i).

### **Phrasing of Motions**

- 32. Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.

### **Motions Must be Seconded**

- 33. No motion shall be debated unless it has been seconded.

### **Withdrawal of Motion**

- 34. After a motion has been seconded it shall be deemed to be in the hands of Council but the mover may, with the permission of the seconder, withdraw the motion at any time before the decision or amendment.

### **Secondary Motions Allowed During Debate**

- 35. When a question is under consideration, no motion shall be received unless:

Subsidiary Motions (related to the main motion)

- (a) to postpone indefinitely;
- (b) to amend;

- (c) to refer to a committee;
- (d) to postpone to a future meeting;
- (e) to close debate and take the vote immediately; or
- (f) to lay on the table (set aside temporarily).

Privileged Motions (related to matters of immediate importance)

- (g) to raise a question of privilege (dealing with the welfare of the assembly or the individual);
- (h) to recess (take a short break); or
- (i) to adjourn.

Incidental Motions (related to matters of procedure)

- (j) to raise a point of order; or
- (k) to suspend the rules.

**Order of Motions Allowed During Debate/Certain Motions Not Amendable or Debatable**

36. The subsidiary and privileged motions (a) through (i) inclusive listed in section 35 of this Bylaw shall have precedence in the order in which they are named and the motions to close debate and take the vote immediately, to lay on the table, to raise a question of privilege, to recess, to adjourn, to raise a point of order, or to suspend the rules shall not be amendable or debatable.

**Amendments to the Main Motion**

37. Only one amendment shall be allowed at one time and shall be dealt with before the previous motion is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.

**Motions to Close Debate and Take the Vote Immediately**

38. If a motion to close debate and take the vote immediately carries, the original motion shall be put without any amendment or debate. If a motion to close debate and take the vote immediately fails, then the original motion is once again debatable.

**Motions to Adjourn**

39. A motion to adjourn the meeting or debate shall always be in order, but if such a motion should fail to carry, no second motion to the same effect shall be made until some intermediate proceedings have been transacted.

**Reading of the Motion**

40. Any member may require the motion under discussion to be read at any time during debate, but not so as to interrupt a member while speaking.

**Reconsideration**

41. (a) Notwithstanding section 9 and Part 8 of this Bylaw, after any motion has been decided, it shall not be reconsidered by Council for a period of six months unless a motion to reconsider is passed by a majority of the members present.
- (b) Subsection (a) shall not apply to any bylaw, motion, proceeding or decision which has been the subject of an appeal under Part 8 of this Bylaw, or which has been returned for reconsideration by the Mayor under section 9 of this Bylaw, or which has been acted upon by an officer, servant or agent of the Municipality.
- (c) No motion shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

### **Notice of Motion**

42. (a) Any member who during a meeting wishes to bring before Council any new matter, other than a point of order or of privilege, shall do so by way of a motion.
- (b) If any member present at the time such motion is presented, and before debate thereon, calls for notice of motion, then the motion shall be placed on the agenda of the next regular Council meeting.
- (c) Any member may give notice of a motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer during a meeting of Council and upon it being acknowledged by the Mayor, it shall appear in the minutes of that meeting as notice of motion and be placed on the agenda of the next regular Council meeting.

### **Voting**

43. When debate on a motion is closed and Council is ready to vote, the Mayor shall proceed to put the question, "is the Council ready for the motion?". The Mayor shall then proceed by saying, "those in favour of the motion" (or amendment as the case may be) and "those opposed to the motion". Members of Council shall vote by raising their right hand. When the supporters and opponents of the motion or amendment have given their vote for and against, the Mayor shall declare the result.

### **Decision of Mayor Conclusive**

44. After the question is put by the Mayor, no member shall speak to the motion, nor shall any other motion be made until after the result of the vote has been declared and the decision of the Mayor as to whether the question has been finally put shall be conclusive.

### **Majority Decision unless Otherwise Required**

45. Unless otherwise provided by statute or this Bylaw, a motion on a bylaw or resolution, or any other question before Council, is decided by a majority of the Council members present at the meeting, including the Mayor.

### **One Vote per Council Member**

46. Each Council member has one vote on any motion or question.

#### **Voting Compulsory if Present**

47. (a) Each Council member present at the time of a vote must vote on the matter.
- (b) If a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.

#### **Tie Vote**

48. If the vote 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.

#### **Affirmative Vote of Specified Portion of All Members of Council**

49. A requirement under an enactment for an affirmative vote of a specified portion of all members of Council means an affirmative vote of that portion of 9 members of Council.

#### **Entry of Votes**

50. The names of those who voted against a motion or question shall be entered in the minutes and the Mayor shall read the names aloud to ensure any mistakes are corrected.

#### **Authority to Compel Witnesses**

51. A Council has power, under the signature of the Mayor, to summon witnesses for examination on oath respecting matters related to the administration of the District, and has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases. A member of Council or the Corporate Officer may administer the oath to or take the solemn affirmation of a witness. A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

### **PART 6 – DELEGATIONS AND PUBLIC INPUT AT COUNCIL MEETINGS**

#### **Delegations**

52. (a) A person or persons on behalf of an organization or association, who wishes to address Council as a delegation at a regular Council meeting must submit a written request on a form prescribed by the Corporate Officer at least ten (10 ) days in advance of the meeting.
- (b) The Corporate Officer may schedule the delegation for the meeting requested or a future meeting, or in consultation with the Administrator may refer the delegation to a committee.
- (c) Notwithstanding subsection (c), the Administrator may direct the Corporate Officer to refer the person or organization to staff for direct action and/or response if deemed appropriate, and the Council will be so advised.

- (d) Subject to subsection (b), a maximum of two (2) delegations will be permitted at each regular Council meeting and each delegation shall have no more than 10 (ten) minutes to address the Council unless a longer period is agreed to by an affirmative vote of the majority of the Council members present. Video presentations used as part of a delegation will be included in the time permitted for the delegation.
- (e) A person may only address Council as a delegation every six (6) months on the same topic or subject matter unless prior consent has been obtained by resolution of Council.
- (f) Where there are less than two (2) delegations scheduled for a regular Council meeting and a person or organization wishes to address Council as a delegation on a matter that is urgent or time sensitive but is unable to meet the deadline under subsection (a), the delegation may be heard by Council if agreed to by an affirmative vote of the majority of the Council members present. For certainty, subsections (b), (c), (d), (e) and (f) apply in this circumstance.
- (g) A Council member may ask questions of the delegation to clarify or correct information but must not enter into debate on the item which is the subject of the delegation and Council itself will not enter into debate on the information received.
- (h) Council will not act on the information received from a delegation except to:
  - i) receive the information
  - ii) refer the matter to an Advisory Committee or Staff, or
  - iii) provide a letter of comment or support if requested and where Council determines no additional information or public input is necessary.
- (i) For certainty, no delegation addressing Council shall be heard on any matter listed in section 55 of this Bylaw.

### **Public Input on Agenda Items at Regular Council Meetings**

53. (a) Any person who has an interest in any of the following matters being considered by Council at a regular Council meeting may be afforded an opportunity to be heard in person or through a representative provided they first identify themselves by stating their name and address and the names and addresses of the person or persons they represent:
- (i) bylaws being considered for three readings;
  - (ii) resolutions for adoption;
  - (iii) recommendations from committees;
  - (iv) reports from Members of Council;
  - (v) reports from the Administrator or Directors.
- (b) No person shall address Council for more than one time at a regular Council meeting and no person shall address Council for longer than three (3) minutes.
- (c) For certainty, no person shall be permitted to address Council on any matter listed in section 55 of this Bylaw.

### **Open Forum – Comment and Question Period**

54. (a) Council will hold a fifteen (15) minute Open Forum session at the beginning of each Regular Council meeting providing an opportunity for the public to address Council on a District-related topic.
- (b) No person shall address Council at Open Forum for a period longer than three (3) minutes.
- (c) For certainty, no person shall be permitted to address the members of Council on any matter listed in section 55 of this Bylaw.

### **Restrictions on Subject Matter**

55. (a) This section applies to any person or organization addressing Council as a delegation, any person addressing Council on agenda items at regular Council meetings, or any person addressing Council members during the open forum.
- (b) A person or organization must not address Council on any matter:
- (i) that must be or has been considered by Council at a closed meeting under the authority of section 90 of the *Community Charter*;
  - (ii) that is before the courts or for which legal action is being pursued or is pending;
  - (iii) that is or has been the subject of a claim for damages against the District;
  - (iv) that is or has been the subject of bylaw enforcement action by the District;
  - (v) that has been the subject of a public hearing held in accordance with an enactment is a pre-requisite to the adoption of a Bylaw;
  - (vi) that involves an application before the Board of Variance that is pending or has been decided;
  - (vii) that will be or has been the subject of an appeal under Part 8 of this Bylaw or reconsideration under sections 9 or 41 this Bylaw;
  - (viii) that involves an application that will be or has been considered under the *Community Grant Policy*;
  - (ix) that has been referred to committee or staff.
- (c) For certainty, a person or organization must not address Council on any matter that involves an application, project or other initiative that will be or has been dealt with through another process under this Bylaw or the Land Use and Development Procedures Bylaw.

## **PART 7 - PUBLIC HEARINGS**

### **Opportunity to be Heard**

56. All persons who believe their interest in property is affected by the proposed bylaw shall be afforded an opportunity to be heard in person or by a representative in matters contained in the bylaw after first identifying themselves by stating their name and address and the name and address of the person or persons they represent.

### **Order of Business**



57. The order of Business at a Public Hearing shall be as follows:
- (a) the Notice of Public Hearing is summarized;
  - (b) any staff reports are identified and any staff recommendations are summarized;
  - (c) any correspondence received is identified;
  - (d) the applicant details his/her application;
  - (e) the Mayor calls for any person to be heard or to present a written submission respecting the bylaw;
  - (f) the applicant responds to new information or factual matters raised by previous speakers or Council.

### **Council May Ask Questions**

58. Only members of Council may ask questions of any person who has been heard.

### **No Reply, Rebuttal or Further Submission**

59. No person, having been heard, may make a reply or rebuttal or further submission without the leave of Council.

## **PART 8 - APPEALS**

### **Appeal of Council or C/W Decision within 30 Days**

60. (a) Any person may appeal any decision of the Council or the C/W at a Council meeting within 30 days of the decision being made public but not at any future meeting except that the Corporate Officer may extend the appeal period for a sufficient number of days to include one additional regular Council meeting where there are fewer than three regular Council meetings during the appeal period.
- (b) Notwithstanding subsection (a) no person may appeal:
- (i) a decision reached after a Public Hearing;
  - (ii) a decision to issue any permit after the permit has been issued;
  - (iii) a decision to enter into a contract after the contract has been entered into;
  - (iv) a decision authorizing some action to be carried out where the action has been fully or partially carried out; or
  - (v) a recommendation from the C/W to the Council.

### **Corporate Officer Must be Advised of Appeal and Presenters**

61. Any person wishing to make an appeal shall so advise the Corporate Officer either orally or in writing at least 6 days in advance of the meeting at which they wish to appeal and shall at the same time provide the names of all persons who will be presenting the appeal.

### **Appeal Procedure at Council Meeting**

62. (a) No person shall speak for more than 5 minutes in presenting an appeal.

- (b) If at any one meeting, the total time of appeals presented to Council exceeds 30 minutes, any appeals not yet heard by Council shall be referred to the following Council meeting.

### **Council Action Following Appeal**

- 63. After hearing an appeal, Council may either confirm its earlier decision or refer the question to a C/W meeting at least one week later.

### **Decisions May Only be Appealed Once**

- 64. No person may appeal any decision of the Council or C/W more than once without receiving permission from the Council.

## **PART 9 - BYLAWS**

### **Requirements for Passing Bylaws**

- 65. (a) Before a bylaw is adopted by Council it must be given three readings, all of which may be given at one Council meeting.
- (b) There must be at least one day between third reading and adoption of a bylaw, notwithstanding which, Council may adopt an Official Community Plan, Zoning Bylaw or Heritage Designation Bylaw at the same meeting at which the plan or bylaw received third reading providing section 67 of this Bylaw does not apply.

### **Amendments to Bylaws**

- 66. Any amendment to a bylaw shall be made by a motion of Council after the bylaw has received second reading and before it receives third reading. If the bylaw has been amended the motion at third reading shall be "to give the bylaw third reading as amended".

### **Bylaws Requiring Provincial or Elector Approvals**

- 67. Where a bylaw requires the approval of the Lieutenant Governor in Council, a minister or the inspector of municipalities, or the approval or assent of the electors, the approval or assent must be obtained after the bylaw has received third reading and before it is adopted.

### **Majority of Council Required Unless Specified by Statute**

- 68. Unless otherwise specified by statute, every bylaw shall be passed by an affirmative vote of the majority of the members of the Council present.

### **Bylaws Must be Signed and Sealed**

- 69. Once a bylaw is adopted, the Mayor or other member presiding at the meeting at which it was adopted and the Corporate Officer must sign the bylaw and it must be sealed with the Corporate Seal.

### **Safe Custody**

70. It is the responsibility of the Corporate Officer to maintain and keep in safe custody all bylaws of Council.

## **PART 10 - COMMITTEE OF THE WHOLE**

### **Schedule of Meetings**

71. Regular C/W meetings will be held bi-weekly on the opposite Mondays of Council meetings, except that there will be no regular C/W meeting:
- (i) in any week during which a statutory holiday falls;
  - (ii) in the weeks during which the annual general meetings of the Union of British Columbia Municipalities, Association of Vancouver Island and Coastal Communities and the Federation of Canadian Municipalities are held;
  - (iii) the last Monday in July and the last Monday in August; and
  - (iv) the two Mondays before and the Monday after general voting day.

### **Appointment of Chair by Mayor**

72. C/W shall be chaired by Councillors on a rotating basis.

### **Opportunity to be Heard**

73. Any person who has an interest in a matter being considered by Council at a C/W meeting may be afforded an opportunity to be heard in person or through a representative provided they first identify themselves by stating their name and address and the names and addresses of the person or persons they represent.

### **Time Limitation**

74. (a) No person shall address C/W on one agenda item more than once per agenda item or for a period longer than five (5) minutes.
- (b) Notwithstanding subsection (a), the Chair shall always have the discretion to waive the time limitation for any person addressing C/W when land use and development applications are being considered.
- (c) Notwithstanding subsection (a), the Chair shall permit one representative on behalf of a neighbourhood community association up to ten (10) minutes to address C/W on an agenda item.
- (d) The applicant (and their representatives) have an aggregate of thirty (30) minutes to speak.

### **No Reply, Rebuttal or Further Submission**

75. No person, having been heard, may make a reply or rebuttal or further submission without the leave of Council.

### **Council Rules and Procedure Apply**

76. For certainty, the rules and procedures of the Council under Parts 4 and 5 of this Bylaw shall be observed in C/W as far as may be applicable.

## **PART 11 - COMMITTEES AND COMMITTEE PROCEEDINGS**

### **Appointments on Committees (except Standing Committees) and Other Bodies**

77. The Council shall appoint all District representatives on committees and on all boards, commissions or other bodies to which the District is entitled to appoint representatives, except standing committees.

### **Voting on Appointments**

78. (a) The names of all nominees for an appointment shall be submitted to Council before any vote is taken.
- (b) Any appointment may be made by motion of the Council or on a vote by secret ballot, except for the appointment of Directors to the Capital Regional District which shall be made by motion in open meeting. A secret ballot other than for Directors to the Capital Regional District shall be taken in any case in which it is called for by any member of Council.
- (c) In the taking of a vote by secret ballot for any appointment by the Council, the Corporate Officer shall provide each member of the Council with one ballot marked with the Corporate Officer's initials on which each member shall indicate their choice. The nominee or nominees receiving the highest majority of votes from the members of the Council then present shall be declared appointed. In only that case where no nominee received a majority vote on any ballot, the name of the nominee receiving the lowest number of votes shall be dropped and shall not appear on the succeeding ballot or ballots. Ballots shall proceed until the requisite number of nominees has been appointed. The Corporate Officer and/or the Municipal Solicitor shall act as scrutineers in the taking of any vote by secret ballot.

### **Standing Committees**

79. 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. At least half the members of a standing committee must be Council members. The Mayor shall be an ex officio member of each standing committee.

### **Select Committees**

80. The Council may establish and appoint select committees to consider or inquire into any matter and to report their findings and opinions to the Council. At least one member of a select committee must be a Council member. The Mayor shall be an ex officio member of each select committee.

### **Advisory Committees**

81. The Council may establish and appoint advisory committees to consider and make recommendations to Council on matters set out in the committees' terms of reference or on matters referred by the Council. The Mayor shall be an ex officio member of each advisory committee.

### **Councillors May Attend**

82. Councillors may attend the meetings of any standing, select or advisory committee, but shall not be allowed to vote; nor may they take part in any discussion or debate except by permission of the majority of the members of the committee.

### **Appointment of Chair by Mayor or Committee**

83. The Mayor may appoint one of the committee members as Chair of the committee in advance. Where the Mayor does not appoint a Chair, the committee shall elect a Chair from among its members.

### **Quorum**

84. Of the number of members appointed to compose any committee, a majority shall be a quorum.

### **Schedule of Regular Committee Meetings**

85. (a) At the first meeting after appointment annually by the Mayor or the Council, as the case may be, each committee shall establish a regular schedule of meetings including the date, time and place of the committee meetings.

### **Notice of Special Committee Meetings**

86. The Chair of a committee may call a special meeting provided that the members of the committee are given at least 24 hours notice of the date, time and place of the meeting and that a notice of the meeting is posted on the Municipal Hall notice board.

### **Chair May Cancel Meeting**

87. The Chair of a committee may cancel a meeting.

### **Minutes of Committee Meetings**

88. (a) It is the responsibility of the Corporate Officer to ensure that minutes of committee meetings, representing a summary of the proceedings, are prepared and certified.
- (b) The minutes of committee meetings shall be signed by the Chair presiding at the meeting.

- (c) Subsections (a) and (b) also apply to meetings of the following, unless a procedure bylaw provides for other procedures for the taking of minutes by one or more bodies referred to in this subsection, the body is exempted by regulation, or to the extent they are modified by regulation:
  - (i) an advisory body established by the Council;
  - (ii) a municipal commission established under section 143 of the *Community Charter*;
  - (iii) a body that under the *Community Charter* or another Act may exercise the powers of the District or the Council;
  - (iv) the Board of Variance;
  - (v) a parcel tax roll review panel established under section 204 of the *Community Charter*, and,
  - (vi) a body prescribed by regulation.

### **Council Rules and Procedures Apply**

- 89. For certainty, the rules and procedures of the Council under Parts 4 and 5 of this Bylaw shall be observed in the committees as far as may be applicable.

## **PART 12 - CONFLICT OF INTEREST**

### **Application of this Part**

- 90. This Part applies to Council members in relation to:
  - (a) Council meetings;
  - (b) C/W meetings;
  - (c) committee meetings; and,
  - (d) meetings of any other body referred to in section 16 of this Bylaw.

### **Declaration Required**

- 91. If a Council member attending a meeting considers that they are not entitled to participate in the discussion of a matter, or to vote on a motion or question in respect of a matter, because the member has a direct or indirect pecuniary interest in the matter or another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.

### **Restrictions on Participation following Declaration**

- 92. After making a declaration under section 91 of this Bylaw, the Council member must not:
  - (a) remain or attend any part of a meeting referred to in section 90 of this Bylaw during which the matter is under consideration;
  - (b) participate in any discussion of the matter at such a meeting;
  - (c) vote on a motion or question in respect of the matter at such a meeting; or
  - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

### **Withdrawal of Declaration after Legal Advice**

93. (a) As an exception to section 92 of this Bylaw, if a Council member has made a declaration under section 91 of this Bylaw and, after receiving legal advice on the issue, determines that they were wrong respecting their entitlement to participate in respect of the matter, the member may:
- (i) return to the meeting or attend another meeting of the same body;
  - (ii) withdraw the declaration by stating in general terms the basis on which the member has determined that they are entitled to participate; and,
  - (iii) after this, participate and vote in relation to the matter.
- (b) For certainty, a Council member who makes a statement under subsection (a), remains subject to section 96 of this Bylaw.

### **Member Must Not be Present**

94. When a declaration is made under section 91 of this Bylaw, unless a statement is made under section 93 of this Bylaw, the person presiding at a meeting referred to in section 90 of this Bylaw or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

### **Recording of Declaration in Minutes**

95. When a declaration or a statement is made under sections 91 or 93 of this Bylaw, the person recording the minutes of the meeting must record the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room, and if applicable, of the member's return.

### **Restrictions on Participation if in Conflict Whether or Not Declaration Made**

96. (a) This section applies if a Council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 91 of this Bylaw.
- (b) The Council member must not:
- (i) remain or attend at any part of a meeting referred to in section 90 of this Bylaw during which the matter is under consideration;
  - (ii) participate in any discussion of the matter at such a meeting;
  - (iii) vote on a question in respect of the matter at such a meeting; or,
  - (iv) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

### **Restrictions on Inside Influence**

97. A Council member must not use their office to attempt to influence in any way a decision, recommendation or other action to be made or taken at a meeting referred to in section 90 of this Bylaw, by an officer of an employee of the District, or by a delegate under section 154 of the *Community Charter* if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

### **Restrictions on Outside Influence**

98. In addition to the restriction under section 97 of this Bylaw, a Council member must not use their office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

### **Exceptions from Conflict Restrictions**

99. (a) Sections 91 to 98 of this Bylaw do not apply if one or more of the following circumstances applies:
- (i) the pecuniary interest of the Council member is a pecuniary interest in common with electors of the District generally;
  - (ii) in the case of a matter that relates to a local service, the pecuniary interest of the Council member is in common with other persons who are or would be liable for the local service tax;
  - (iii) the matter relates to remuneration, expenses or benefits payable to one or more Council members in relation to their duties as Council members;
  - (iv) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter; or
  - (v) the pecuniary interest is of a nature prescribed by Provincial regulation.
- (b) Despite sections 91 to 98 of this Bylaw, if a Council member has a legal right to be heard in respect of a matter or to make representations to Council, and is restricted by one or more of those sections from exercising that right in relation to the matter, the Council member may appoint another person as a representative to exercise the member's right on his or her behalf.

### **Disclosure of Contracts with Council Members and Former Council Members**

100. (a) If the District enters into a contract in which a Council member or a person who was a Council member at any time during the previous 6 months, has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a Council meeting that is open to the public.
- (b) In addition to the obligation under sections 91 to 94 of this Bylaw, a Council member or former Council member must advise the Corporate Officer, as soon as reasonably practicable, of any contracts that must be reported under subsection (a) in relation to that person.

### **Restrictions on Use of Insider Information**

101. A Council member or former Council member must not use information or a record that was obtained in the performance of the member's office, and is not available to the general public for the purpose of gaining a direct or indirect pecuniary interest of the Council member or former Council member.

### **Disqualification from Holding Office unless Contravention Inadvertent or Because of Error in Judgment made in Good Faith**

102. A person who contravenes sections 96, 97, 98, 100 and 101 of this Bylaw is disqualified from holding an office described in, and for the period established by, section 110(2) of the



*Community Charter*, unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **PART 13 - REPEAL**

103. Bylaw No. 8840 being the "Council Procedure Bylaw, 2007", and any amendments thereto, are hereby repealed except insofar as they may repeal any other bylaw.

**Includes Bylaw Amendment No. 9376, 9456 and 9514.**