

**COUNCIL BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to update the Council Bylaw to enable the City's revised governance structure.

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Under its statutory powers, including sections 882 and 890 of the *Local Government Act* and sections 89 to 93, 100 to 109, 116, 122 to 145 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

## PART 1 – INTRODUCTION

### Title

1. This Bylaw may be cited as the “COUNCIL BYLAW”.

### Definitions

2. In this Bylaw,

“advisory committee” means a committee that is

- (a) established by the Council to provide advice and recommendations on issues within that committee’s terms of reference; and
- (b) composed of members of the public appointed by the Council;

“City” means the City of Victoria;

“City Hall” means Victoria City Hall located at #1 Centennial Square, Victoria, British Columbia;

“committee” means:

- (a) a standing or select or other committee of Council, but does not include COTW; and
- (b) unless the context requires otherwise, an advisory committee;

“COTW” means the Committee of the Whole Council;

“Corporate Administrator” means the City’s Corporate Administrator whose powers, duties, and functions are set out under the City Employees Bylaw and section 148 of the *Community Charter*;

“Council” consists of the mayor and the councillors elected for the City of Victoria;

“mayor” means the mayor of the City;

“members of the public” does not include a member of Council or an officer or employee of the City;

“motion” includes a resolution;

“Public Notice Posting Places” mean

- (a) the public notice board at City Hall, and

- (b) the Council Chamber at City Hall;

"select committee" means a committee that is

- (a) constituted to deal with matters referred to it by the Council, and
- (b) composed of members appointed by Council, including one member of Council who acts as a liaison between the select committee and Council;

"special Council meeting" in accordance with section 125 of the *Community Charter* means a Council meeting other than a regular meeting or an adjourned meeting;

"standing committee" means a committee that is

- (a) established by the mayor or the Council to deal with matters the mayor or the Council considers would be better dealt with by standing committee;
- (b) composed of members appointed by the mayor or the Council with at least half of standing committee members being members of Council.

### **Application of rules of procedure**

- 3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, and advisory committees.
- (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, 2nd edition, 1998, apply to the proceedings of Council, COTW, and Council committees to the extent that those Rules are
  - (a) applicable in the circumstances; and
  - (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## **PART 2 – MAYOR AND MEMBERS OF COUNCIL**

### **Mayor is member of Council**

- 4. The mayor is a member of Council.

### **Powers and duties of mayor**

- 5. (1) The mayor is the head and chief executive officer of the City.
- (2) In addition to the mayor's powers and duties as a Council member, the mayor has the following responsibilities in accordance with section 116 of the *Community Charter*.
  - (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 City;

- (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 City officers respecting implementation of municipal policies, programs and other directions of the council;
- (e) to establish standing committees in accordance with section 141 of the *Community Charter*;
- (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;
- (h) to carry out other duties assigned by or under the *Community Charter* or any other Act.

### **Acting mayor**

- 6. (1) In accordance with section 130 of the *Community Charter*, Council must appoint a member responsible for acting in the place of the mayor when the mayor is
  - (a) absent or otherwise unable to act; or
  - (b) when the office of mayor is vacant.
- (2) During the absence of the mayor, the member appointed under subsection (1) has the same powers and duties as the mayor in relation to the applicable matter.
- (3) Council must establish a schedule for the appointment of members to fill the office of acting mayor on a rotating basis.
- (4) If the office of the mayor becomes vacant, the members next in succession on the schedule will serve as acting mayor to the Acting Mayor appointed under subsection (1).

### **Responsibilities of Council members**

- 7. Every Council member has the following responsibilities:
  - (a) to consider the well-being and interests of the City and its community;
  - (b) to contribute to the development and evaluation of the policies and programs of the City respecting its services and other activities;
  - (c) to participate in Council meetings, committee meetings and meetings of other bodies to which the member is appointed;

- (d) to carry out other duties assigned by the Council;
- (e) to carry out other duties assigned by the *Community Charter* or any other Act.

### **Appointment to the Capital Regional District Board of Directors**

- 8. (1) Council must nominate the following for appointment, under section 784 of the *Local Government Act*, as the City's municipal directors on the Board of the Capital Regional District:
  - (a) the mayor;
  - (b) the three persons, elected as councillors at the general local election, who receive the most votes for the position of municipal director; and
  - (c) any other persons elected as councillors, who are nominated by two other members of Council.
- (2) The final selection of four municipal directors from the persons nominated under subsection (1) must be by resolution of Council.

## **PART 3 – COUNCIL MEETINGS**

### **Time and location of meetings**

- 9. (1) All Council meetings must take place within City Hall except when Council resolves to hold a meeting elsewhere.

### **Regular meetings**

- (2) Regular Council meetings must
  - (a) be held on the second and fourth Thursdays of each month; and
  - (b) begin at 7:30 p.m.
- (3) At least 48 hours before regular meetings, the Corporate Administrator must give advance public notice of the date, time, and place of those meetings by
  - (a) posting the agenda at the public notice board at City Hall;
  - (b) delivering copies of the agenda to each of the members of Council at their mailboxes at City Hall; and
  - (c) leaving copies of the agenda at a public counter at City Hall for the purpose of making them available to members of the public.

### Schedule of meetings

- (4) Council must establish and the Corporate Administrator must make available to the public, in accordance with subsection (3), a schedule of the date, time and place of regular Council meetings.
- (5) The Corporate Administrator must give notice of the availability of the schedule, referred to under subsection (4), at least once a year in accordance with sections 94 and 127 of the *Community Charter*.

### Inaugural meeting

- (6) Following a general local election, the Inaugural Council meeting must be held on the first Thursday in December
  - (a) after the deadline for completing a judicial recount under section 129 of the *Local Government Act*; and
  - (b) within the first 10 days of December.
- (7) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (6), the first Council meeting must be called by the Corporate Administrator and held as soon as reasonably possible after a quorum has taken office.

### Notice of special meetings

- 10. (1) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
  - (a) posting a copy of the notice in the Council chambers at City Hall;
  - (b) posting the agenda at the Public Notice Posting Places; and
  - (c) leaving one copy of the notice for each Council member at the place to which the member has directed notices to be sent.
- (2) The mayor or the Corporate Administrator must sign each copy of a notice under subsection (1).

### Calling special meetings

- 11. (1) The mayor may call a special Council meeting at his or her discretion.
- (2) In accordance with section 126 of the *Community Charter*, two or more Council members may, in writing, request the mayor to call a special Council meeting.
- (3) Two or more Council members may call a special meeting if

- (a) within 24 hours after receiving a request under subsection (1), no arrangements are made by the mayor for the special Council meeting to be held within the next 7 days; or
  - (b) both the mayor and the acting mayor are absent or otherwise unable to act.
- (4) If a special Council meeting is called under subsection (3), the Corporate Administrator or the Council members calling the meeting must sign the notice under section 9.

### **Attendance of public at meetings**

12. (1) Subject to section 90 of the *Community Charter*, all Council meetings must be open to the public.
- (2) Despite subsection (1), the presiding member may order that persons that the presiding member considers to be acting improperly be expelled from a regular or special Council meeting.
- (3) A part of a Council meeting may be closed to the public 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 City or another position appointed by the City;
  - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - (c) labour relations or employee relations;
  - (d) the security of property of the City;
  - (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City;
  - (f) law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw;
  - (g) litigation or potential litigation affecting the City;
  - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the City, other than a hearing to be conducted by the Council or a delegate of Council;
  - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
  - (k) negotiations and related discussions respecting the proposed provision of a City service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
  - (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 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 subsection or subsection (4);
  - (o) the consideration of whether the authority under section 91 of the *Community Charter* should be exercised in relation to a Council meeting.
- (4) A part of a Council meeting must be closed to the public if the subject matter relates to one or more of the following:
- (a) a request under the *Freedom of Information and Protection of Privacy Act* if the Council is designated for the City as the "head of the local public body" for the purposes of that Act in relation to the matter;
  - (b) the consideration of information received and held in confidence relating to negotiations between the City and a Provincial government or the Federal government or both, or between a Provincial government or the federal government or both and a third party;
  - (c) a matter that is being investigated under the *Ombudsman Act* of which the City has been notified under section 14 of that Act;
  - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (5) If the only subject matter being considered at a Council meeting is one or more matters referred to in subsection (3) or (4), the applicable subsection applies to the entire meeting.
- (6) Before a meeting or part of a meeting is closed to the public, the Council must state, by resolution passed in a public meeting
- (a) the fact that the meeting or part of the meeting is to be closed; and
  - (b) the basis under subsection (3) or (4) on which the meeting or part of the meeting is to be closed.

- (7) Council members are expected to keep confidential the nature and details of a matter referred to in subsections (3) and (4), and dealt with in a meeting closed to the public, until Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.
- (8) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.
- (9) This section applies to meetings of COTW, and to select, standing and other committees of Council.
- (10) In accordance with section 93 of the *Community Charter*, this section applies to meetings of the following:
  - (a) a municipal commission established under section 143 of the *Community Charter*;
  - (b) a parcel tax roll review panel established under section 204 of the *Community Charter*;
  - (c) a board of variance;
  - (d) an advisory body established by Council, including an advisory committee;
  - (e) a body that under the *Community Charter* or another Act may exercise the powers of the City or Council;
  - (f) a body prescribed by regulation.

### **Presiding at meetings**

- 13. (1) The mayor, if present, must preside at Council meetings.
- (2) In the absence of the mayor, the acting mayor chosen under section 6(4), must preside.
- (3) The presiding member has the same powers and duties as the mayor in relation to the applicable matter.

### **Quorum of Council**

- 14. The quorum for Council is 5 members unless an order is made to reduce that number under section 129 of the *Community Charter*.

### **Electronic participation by members**

- 15. (1) For the purposes of this section, electronic participation in a meeting means participation by use of land-line based only telephone communications that

- (a) enable the meeting's participants to hear and speak with each other; and
  - (b) enable the public to hear the participation of Council members during that part of the meeting that is open to the public.
- (2) Up to 2 members of Council may participate electronically in a regular or special Council meeting if
- (a) at least 72 hours before the meeting those members notified the Corporate Administrator of their intended absence;
  - (b) those members are absent from the meeting because they are conducting City business or representing the City elsewhere; and
  - (c) at least a majority of the members of Council are physically present at the meeting.
- (3) If more than 2 members wish to participate electronically at a meeting, the 2 that may do so must be chosen by lot conducted by the Corporate Administrator.
- (4) There is no limit to the number of times a member may participate electronically.
- (5) As soon as possible before a meeting at which a member has requested to participate electronically, the Corporate Administrator must send to that member the meeting's agenda package and late agenda items, either by courier or facsimile transmission.
- (6) Despite sections 5(2)(c) and 12, only a member who is physically present may preside at a meeting at which there is electronic participation.
- (7) A member is not permitted to participate electronically in a meeting if that member does not join the meeting within 15 minutes of its scheduled starting time.
- (8) The telecommunications and shipping costs arising from a member who is participating electronically are borne by the City.
- (9) A meeting at which there is electronic participation must not include any of the following public hearings:
- (a) hearings to which Section 890 of the *Local Government Act* applies;
  - (b) hearings for heritage conservation matters under Part 27 of the *Local Government Act*.
- (10) Written material at a meeting at which there is electronic participation, if that material is presented to the meeting without being included in either the agenda package or late agenda items sent to the members participating electronically, must be audibly read into the record.

- (11) A member, who is participating electronically in the voting on a matter, must vote by audibly stating “aye” or “nay”.
- (12) If there is an interruption in the communications’ link to a member who is participating electronically, the other Council members may
  - (a) decide on a short recess until it is determined whether or not the link can be re-established; or
  - (b) continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the meeting room.
- (13) This section does not apply to committee or COTW meetings.

#### **PART 4 – COUNCIL PROCEEDINGS**

##### **Council is a continuing body**

- 16. Council is a continuing body and may complete any proceedings started but not completed before a change in its membership.

##### **Minutes of meetings to be maintained and available to public**

- 17. (1) Minutes of the proceedings of Council must be
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Administrator; and
  - (c) signed by the mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) Minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (3) Subsection (2) does not apply to minutes of that part of a Council meeting from which persons were excluded under section 11.
- (4) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

##### **Majority of members present decides matters**

- 18. Council’s actions and decisions must be carried out by a majority of its members present at a Council meeting unless otherwise provided by statute.

##### **Calling meeting to order**

- 19. (1) The mayor must call the members of Council to order for a Council meeting as soon after the scheduled time for the meeting as a quorum of Council is present.

- (2) If a quorum of Council is present but the mayor and acting mayor do not attend within 15 minutes of the scheduled time for a Council meeting,
  - (a) the Corporate Administrator must call to order the members present; and
  - (b) the members present must choose a member to preside at the meeting.

### **Adjourning meeting where no quorum**

- 20. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Administrator must
  - (a) record the names of the members present, and those absent; and
  - (b) adjourn the meeting until the next scheduled meeting.

### **Voting at meetings**

- 21. (1) In accordance with section 123 of the *Community Charter*, a Council member present at a Council meeting at the time of a vote who abstains from voting is considered to have voted affirmatively.
- (2) If the votes of the Council members present at a Council meeting at the time of a vote are equal for and against a question, the question is defeated and the presiding member must declare this result.
- (3) 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:
    - "Those in favour raise your hands.", and then
    - "Those opposed raise your hands.";
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
    - (i) cross or leave the room,
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
  - (d) after the presiding member finally puts the question to a vote under 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; and
- (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

### **Disclosure of conflict**

- (4) The entitlement, to participate and vote, of a member of the Council, COTW, any other committees of Council, and the bodies referred to in section 11(10) is governed by Part 4, Division 6 of the *Community Charter*, attached to this Bylaw as Appendix 1.

### **Order of proceedings and business**

- 22. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
  - (a) Approval of agenda;
  - (b) Reading of minutes;
  - (c) Proclamations;
  - (d) Public and statutory hearings, and third reading or adoption of bylaws where applicable after each hearing;
  - (e) Hearings – requests to address Council;
  - (f) Unfinished business;
  - (g) Reports of committees;
  - (h) Motions;
  - (i) Bylaws;
  - (j) Question Period;
  - (k) New Business;
  - (l) Matters referred to in sections 11(3) and (4);
  - (m) Adjournment.
- (2) Particular business at a regular 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.
- (3) Council may proceed with a particular item of business at a regular Council meeting in the absence of the Council member in whose name the item is listed on the agenda only if that member has given written permission for another Council member to proceed with that business.
- (4) Prior to each Council meeting the Corporate Administrator 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.
- (5) The deadline for submissions by the public to the Corporate Administrator of items for inclusion on the Council meeting Agenda is 11:00AM on the day of the meeting.
- (6) The Corporate Administrator must make the Agenda available to the members of Council and the public on Tuesday afternoon prior to the meeting.

- (7) Council must not consider any matters not listed on the Agenda unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.
- (8) If the Council makes a resolution under subsection (7), information pertaining to late items must be distributed to the members.

### **Visitors and delegations**

- 23. (1) The Council may, by resolution, allow an individual or a delegation to address Council on a matter provided a written application on the prescribed form has been received by the Corporate Administrator by 11:00AM on the day of the meeting.
- (2) Each address under subsection (1) must be limited to 5 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (3) Where written application has not been received by the Corporate Administrator as prescribed in subsection (1), an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- (4) Council must not permit a delegation to address a meeting of the Council regarding a bylaw or a permit in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw or the passing of a resolution authorizing the permit.
- (5) A person other than Council members and officers and employees of the City is allowed to approach the podium and address the Council during a meeting of the Council only if that person has the presiding officer's permission.

### **Points of order**

- 24. (1) In accordance with section 132 of the *Community Charter*, the presiding member at a Council meeting must preserve order and, subject to an appeal to other Council members present, decide points of order that may arise.
- (2) Without limiting the presiding member's duty under subsection (1), 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.
- (3) 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 paragraph (a); and

- (c) the presiding member may reserve the decision until the next Council meeting.
- (4) If a Council member appeals a decision of the presiding member under subsection (3), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.
- (5) In relation to a vote on a motion under subsection (4),
  - (a) the mayor or other presiding member must not vote;
  - (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.
- (6) If the mayor or presiding member refuses to put the question under subsection (4),
  - (a) the Council must immediately appoint another member to preside temporarily;
  - (b) that other member must proceed in accordance with subsection (4); and
  - (c) a motion passed under this subsection is as binding as if passed under subsection (4).

### **Conduct and debate**

- 25. (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) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (5) 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 23.
- (6) Members speaking at a Council meeting
  - (a) must use respectful language;

- (b) must speak only in connection with the matter being debated;
  - (c) may speak about a vote of Council only for the purpose of making a resolution or motion that the vote be rescinded; and
  - (d) 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.
- (7) If a member does not adhere to subsection (6)(d), Council, by resolution, may order the member to leave the member's seat, and
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by police from the member's seat; and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (8) 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.
- (9) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of Council, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
  - (b) a member who has made a substantive motion to the Council may reply to the debate;
  - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
  - (d) a member may speak to a question, or may speak in reply, for longer than a total time of 15 minutes only with the permission of Council.

### **Motions generally**

26. (1) A member of Council must give notice of a motion that is to be introduced at a Council meeting, by depositing a written copy of the motion with the Corporate Administrator at least 24 hours before that meeting.
- (2) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.

- (3) 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 only by leave of Council.
- (4) A Council member may make only the following subsidiary motions when the Council is considering a main question:
  - (a) to lay on the table;
  - (b) to move the previous question;
  - (c) to postpone to a certain time;
  - (d) to refer to committee;
  - (e) to amend;
  - (f) to postpone indefinitely.
- (5) A motion made under subsections (4)(a), (b), (c), and (f) is not amendable or debatable.
- (6) 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 commit**

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

### **Motion for the main question**

- 28. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) The following rules apply to a motion for the main question, or for the main question as amended, at a Council meeting:
  - (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**

- 29. (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 before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A 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 (a) is positive;
  - (c) the main question.

### **Reconsideration**

- 30. (1) 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 assent of the electors;
  - (b) already been reconsidered under this section;
  - (c) been acted on by an officer, employee, or agent of the City.
- (6) In accordance with section 131 of the *Community Charter* at the same Council meeting at which a vote took place or within the 30 days following that meeting, the mayor may require the Council to reconsider and vote again on a matter that was the subject of that vote if that matter
  - (a) has not had the approval or assent of the electors;

- (b) was not adopted by the Council after receiving the approval or assent of the electors; and
  - (c) has not already been reconsidered under this section.
- (7) 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.
- (8) 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.
- (9) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or (8) is valid and has the same effect as it had before reconsideration.

### **Privilege**

31. (1) In this section, a matter of privilege refers to any of the following motions:
- (a) fix the time to adjourn;
  - (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of the Council;
  - (e) raise a question of privilege of a member of Council.
- (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.

### **Appointments to boards and other offices**

32. (1) Council may appoint a person to a board or other office only after receiving all nominations for that appointment.
- (2) Council may appoint a person to an office by resolution unless a Council member calls for a vote by ballot.
- (3) The following procedures apply to a vote by ballot:
- (a) the presiding member and the Corporate Administrator must act as scrutineers;

- (b) the Corporate Administrator must give to each Council member one ballot that contains the Corporate Administrator's written initials and the names of all of the persons nominated;
- (c) Council members may vote for a person by marking an "x" opposite that person's name on the ballot;
- (d) those who receive the highest majority of votes from the Council members then present are appointed to the offices for which the vote is taken;
- (e) if the number of those receiving a majority of votes by ballot is less than the number of offices to be filled,
  - (i) the person receiving the lowest number of votes is removed from succeeding ballots, and
  - (ii) balloting must continue until the number of persons receiving a majority of votes equals the number of offices to be filled.

### **Council member's requests for information**

33. (1) A Council member at any time may request information concerning the City's public business by making the request in writing to the City Manager.
- (2) The following procedures apply to the obtaining and presenting of information requested under this section:
- (a) the City Manager must make the best effort possible to obtain the information;
  - (b) after obtaining the information, the City Manager must give the request and the information to the Mayor;
  - (c) the Mayor or the presiding member must read the request and the information at the next Council meeting, subject to section 90 of the *Community Charter*;
  - (d) during a Council meeting, a Council member must not present an argument, debate, opinion, or fact in connection with the request and information that is read at a Council meeting.

### **Witnesses at meetings**

34. In accordance with section 134 of the *Community Charter*,
- (a) the Council, under the signature of the Mayor, may summon witnesses for examination on oath matters about the administration of the City;
  - (b) the Council 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;

- (c) a Council member or the Corporate Administrator may administer the oath to or take the solemn affirmation of a witness at a Council meeting; and
- (d) a witness at a Council meeting may be examined, cross examined, and re-examined according to the rules and practice of the Supreme Court in civil cases.

### **Reports from committees**

35. (1) Council may take any of the following actions in connection with a recommendation it receives from a committee or COTW:
- (a) agree or disagree with the recommendation;
  - (b) amend the recommendation;
  - (c) refer the recommendation back to the committee, or to COTW;
  - (d) postpone its consideration of the recommendation.
- (2) Council may discuss the proceedings of a standing committee only after the committee has presented to the Council the committee's report relating to those proceedings.

### **Adjournment**

36. (1) A Council meeting may continue after 11:00 p.m. only by an affirmative vote of 2/3 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;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.
- (4) When adjourning, Council members must not leave their seats until the presiding member leaves.

## **PART 5 – BYLAWS**

### **No bylaw votes in a closed meeting**

37. In accordance with section 89(2) of the *Community Charter*, the Council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

### **Public notice of proposed bylaws**

38. The Corporate Administrator must ensure that written notice of the name and purpose of a proposed bylaw is publicly posted at the Public Notice Posting Places at least 24 hours before the Council meeting at which the bylaw is intended to be introduced.

### **Copies of proposed bylaws to Council members**

39. A proposed bylaw may be introduced at a Council meeting only if section 37 has been satisfied and
- (a) a true copy of it has been delivered to the offices at City Hall of each Council member and the City Manager at least 24 hours before the Council meeting; or
  - (b) all Council members unanimously agree to waive paragraph (a).

### **Form of bylaws**

40. 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;
  - (e) be divided into sections;
  - (f) not contain incomplete spaces.

### **Bylaws to be considered separately or jointly**

41. 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**

42. (1) The presiding member of a Council meeting may
- (a) have the Corporate Administrator 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) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (3) Subject to subsection (4), each reading of a proposed bylaw must receive the affirmative vote of all Council members.
- (4) In accordance with section 882(2) of the *Local Government Act*, each reading of a proposed bylaw that adopts, amends, or repeals an official community plan must receive an affirmative vote of a majority of all Council members.
- (5) In accordance with section 135 of the *Community Charter*, Council
  - (a) may give one, two, or three readings to a proposed bylaw at the same Council meeting;
  - (b) must give 3 readings to a proposed bylaw before adopting it; and
  - (c) may adopt a proposed bylaw only after an interval of at least one day between the third reading and the adoption of the bylaw
- (6) Despite subsection (5)(c), and in accordance with sections 890(9) and 968(2) of the *Local Government Act*, Council may adopt or amend a proposed official community plan bylaw, zoning bylaw or heritage designation bylaw at the same meeting at which the bylaw passed third reading.

### **Bylaws must be signed**

- 43. After a bylaw is adopted,
  - (a) the presiding member of the Council meeting at which it was adopted must sign it; and
  - (b) the Corporate Administrator must
    - (i) sign it,
    - (ii) place the City's corporate seal on it,
    - (iii) have the dates of its readings and adoption placed on it, and
    - (iv) have it immediately placed in the City's vault.

### **Annual edition of bylaws**

- 44. The Corporate Administrator must have copies of all adopted bylaws alphabetically and numerically indexed and available for public inspection during regular business hours in City Hall.

## **PART 6 - COMMITTEE OF THE WHOLE**

### **Going into Committee of the Whole**

45. (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 statutory, standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COTW.

### **Notice and attendance for meetings**

46. (1) Subject to subsection (2), sections 8(3) to (5), 11, and 33 apply to COTW meetings.
- (2) Section 8(3) does not apply to a COTW meeting that is called, in accordance with section 44, during a Council meeting for which public notice has been given under section 8(3) or 9(1).

### **Minutes of meetings to be maintained and available to public**

47. (1) Minutes of the proceedings of COTW must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting;
  - (c) certified as correct by the Corporate Administrator; and
  - (d) open for public inspection as provided for Council minutes under section 16.
- (2) In accordance with sections 97(1)(c) and 145 of the *Community Charter*, subsection (1) applies to meetings of:
- (a) a municipal commission established under section 143 of the *Community Charter*;
  - (b) a parcel tax roll review panel established under section 204 of the *Community Charter*;
  - (c) a board of variance;
  - (d) a committee;
  - (e) a body that under the *Community Charter* or another Act may exercise the powers of the City or Council;
  - (f) a body prescribed by regulation.

- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

### **Presiding at COTW meetings**

- 48. (1) The mayor, if present, must preside at COTW meetings.
- (2) In the absence of the mayor, the acting mayor chosen under section 6(4) must preside.
- (3) The presiding member has the same powers and duties as the mayor in relation to the applicable matter.

### **Points of order at meetings**

- 49. 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**

- 50. The following rules apply to committee and COTW meetings:
  - (a) a motion is not required to be seconded;
  - (b) a motion for adjournment is not allowed during debate of a motion;
  - (c) a member may speak any number of times on the same question;
  - (d) a member must not speak longer than a total of 10 minutes on any one question.

### **Voting at meetings**

- 51. (1) Votes at committee and COTW meetings must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.
- (3) Sections 20(1) and (2) apply to COTW meetings.

### **Reports**

- 52. (1) COTW may consider reports and bylaws only if
  - (a) they are printed and the members each have a copy; or
  - (b) 2/3 of the members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.

- (3) The COTW's reports to Council must be presented by the Corporate Administrator.

### **Rising without reporting**

53. (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, the Council meeting must resume and proceed to the next order of business.

## **PART 7 – COMMITTEES**

### **Establishing standing committees**

54. (1) In accordance with section 141(2) of the *Community Charter*, at least 1/2 of the members of a standing committee must be Council members.
- (2) Subject to subsection (1), persons who are not Council members may be appointed to a standing committee.

### **Establishing select committees**

55. (1) Council by resolution may appoint a select committee to inquire into any matter and to report to 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.
- (4) Council must appoint a presiding member or chair of the select committee.

### **Establishing advisory committees**

56. (1) Council by resolution may appoint an advisory committee:
- (a) to provide advice and recommendations to Council regarding any matter within the committee's terms of reference, and
  - (b) to report to Council or to another committee designated by Council for that purpose.
- (2) All members of an advisory committee must be members of the public.
- (3) A chairperson must be appointed by the members of each advisory committee.

### **Duties of standing committees**

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

### **Duties of select committees**

- 58 (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 as soon as possible, unless a date and time is established by Council.

### **Location of standing committee meetings**

59. All meetings of a standing committee must be at City Hall.

### **Time of standing committee meetings**

60. (1) At its first meeting after its appointment a standing committee must establish a regular schedule of meetings.
- (2) The chair of a standing committee may call a meeting of the committee in addition to the schedule of meetings.

### **Notice of committee meetings**

61. (1) Section 8(3) to (5) applies to meetings of committees.
- (2) The chair of a standing committee must cause a notice of the day and time of a meeting called under section 58(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

**Attendance at meetings (open to the public)**

- 62 (1) Council members who are not members of a committee may attend the meetings of the committee.
- (2) Section 11 applies to meetings of committees.
- (3) Section 33 applies to meetings of committees other than an advisory committee.

**Minutes of meetings to be maintained and available to public**

- 63 (1) Minutes of the proceedings of a committee must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting;
  - (c) certified as correct by the Corporate Administrator; and
  - (d) open for public inspection as provided for Council minutes under section 16.
- (2) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

**Quorum**

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

**Conduct and debate**

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

**Voting at meetings**

- 66 (1) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- (2) Sections 20(1), (2), and (4) apply to Council members' voting and participation in relation to meetings of committees.

**Reports to be signed by majority of members**

67. A majority of all the members of a standing committee must sign all reports that are given by the committee to Council.

**PART 8 – GENERAL**

**Notice for amendments to this Bylaw**

68. This Bylaw must not be amended, or repealed and substituted, unless the Council first gives notice in accordance with section 94 of the *Community Charter*.

**Repeal**

69. Bylaw No. 04-18, the Council Bylaw, is repealed.

READ A FIRST TIME the	<b>25<sup>th</sup></b>	day of	<b>June,</b>	2009.
AMENDED on the	<b>25<sup>th</sup></b>	day of	<b>June,</b>	2009.
READ A SECOND TIME the	<b>25<sup>th</sup></b>	day of	<b>June,</b>	2009.
READ A THIRD TIME the	<b>25<sup>th</sup></b>	day of	<b>June,</b>	2009.
ADOPTED on the	<b>9<sup>th</sup></b>	day of	<b>July,</b>	2009.

**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“DEAN FORTIN”**  
MAYOR

## Appendix 1

### **Community Charter Part 4, Division 6 Conflict of Interest**

#### **Disclosure of conflict**

- 100 (1) This section applies to council members in relation to
- (a) council meetings;
  - (b) council committee meetings; and
  - (c) meetings of any other body referred to in section 93.
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter; or
  - (b) 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.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101.
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body;
  - (b) withdraw the declaration by stating in general term the basis on which the member has determined that he or she is entitled to participate; and
  - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101.
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record
    - (i) the member's declaration or statement,

- (ii) the reasons given for it, and
  - (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return; and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting 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.

### **Restrictions on participation if in conflict**

- 101 (1) 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 100.
- (2) The council member must not
- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration;
  - (b) participate in any discussion of the matter at such a meeting;
  - (c) vote on a 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.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Restrictions on inside influence**

- 102 (1) A council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken
- (a) at a meeting referred to in section 100 (1);
  - (b) by an officer or an employee of the municipality; or
  - (c) by a delegate under section 154,
- if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Restrictions on outside influence**

- 103 (1) In addition to the restriction under section 102, a council member must not use his or her 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.
- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Exceptions from conflict restrictions**

- 104 (1) Sections 100 to 103 do not apply if one or more of the following circumstances applies:
- (a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;
  - (b) 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;
  - (c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;
  - (d) 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;
  - (e) the pecuniary interest is of a nature prescribed by regulation.
- (2) Despite sections 100 to 103, if a council member
- (a) has a legal right to be heard in respect of a matter or to make representations to council; and
  - (b) 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.

### **Restrictions on accepting gifts**

- 105 (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.
- (2) Subsection (1) does not apply to

- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office;
  - (b) compensation authorized by law; or
  - (c) a lawful contribution made to a member who is a candidate for election to a local government.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Disclosure of gifts**

- 106 (1) This section applies if
- (a) a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value; or
  - (b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.
- (2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating
- (a) the nature of the gift or benefit;
  - (b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation;
  - (c) when it was received; and
  - (d) the circumstances under which it was given and accepted.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Disclosure of contracts with council members and former council members**

- 107 (1) If a municipality enters into a contract in which
- (a) a council member; or
  - (b) 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.

- (2) In addition to the obligation under section 100, 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 (1) in relation to that person.
- (3) A person who contravenes subsection (2) is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Restrictions on use of insider information**

- 108 (1) A council member or former council member must not use information or a record that
- (a) was obtained in the performance of the member's office; and
  - (b) is not available to the general public,
- for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.
- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### **Court order for person to give up financial gain**

- 109 (1) If a council member or former council member has
- (a) contravened this Division; and
  - (b) realized financial gain in relation to that contravention,
- the municipality or an elector may apply to the Supreme Court for an order under this section.
- (2) Within 7 days after the petition commencing an application under this section is filed, it must be served on
- (a) the council member or former council member; and
  - (b) in the case of an application brought by an elector, the municipality.
- (3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.
- (4) In the case of an application made by an elector, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Rules of Court.

- (5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.
- (6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.