

VILLAGE OF PEMBERTON
COUNCIL PROCEDURE BYLAW No. 656, 2011

Council Procedure Bylaw
Consolidated for Convenience

Council Procedure Bylaw No. 656, 2011
Council Procedure Amendment Bylaw No. 687, 2012

For your convenience, the Council Procedure Bylaw has been consolidated.

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Council meetings and their conduct, and must by bylaw provide for the procedure that is to be followed in passing bylaws, pursuant to Section 124 (1) of the *Community Charter*.

THEREFORE BE IT RESOLVED that the Municipal Council of the Village of Pemberton enacts a Procedure Bylaw as follows:

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PART 1 – INTRODUCTION

1. Title

This Bylaw may be cited as the “**COUNCIL PROCEDURE BYLAW NO. 656, 2011**”.

2. Definitions

“Chief Administrative Officer” means the Chief Administrative Officer for the Village;

“Chair” means the Mayor, Acting Mayor or other Member who is chairing a meeting.

“Committee” means a standing, select, or other committee of Council;

“Corporate Officer” means the Chief Administrative Officer or a person designated by Council by name of office or otherwise to act in the place of the Corporate Officer;

“Council” means the Council of the Village of Pemberton;

“Council Chambers” means the premises located at 1350 Aster Street, Pemberton, B.C.;

“Delegation” means a person or persons chosen to represent others and/or an individual

“Mayor” means the Mayor of the Village;

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“Public Notice Posting Places” means the notice board at the Village Office at 7400 Prospect Street, the Post Office at 7431 Prospect Street and on the Village Website;

“Village” means the Village of Pemberton;

“Village Office” means the premises located at 7400 Prospect Street, Pemberton, B.C.;

3. Application of rules of procedure

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

PART 2 – COUNCIL MEETINGS

4. Inaugural Meeting

- i. Following a general local election the first Council meeting must be held within the first ten (10) days of December following the general election.
- ii. If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

5. Time and location of meetings

- i. All Council meetings must take place within the Village except when Council resolves to hold meetings elsewhere.
- ii. Regular Council meetings must
 - (a) be held on the first and third Tuesday of each month (except January in which regular council meetings will be held the second and fourth Tuesday), and

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- (b) begin at 7:00 p.m. and 9:00 a.m. respectively, unless Council otherwise resolves;
- (c) be adjourned no later 11:00 p.m. and 12:00 (noon) respectively on the day scheduled for the meeting unless Council resolves to proceed beyond that time;
- (d) **SECTION DELETED** as per *Council Procedure Bylaw No. 687, 2012 adopted January 24, 2012.*
- (e) notwithstanding clause (a) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
- (f) Be held in Council Chambers, the Community Centre or the Village Office unless Council otherwise resolves.

6. Notice of Council Meetings

- i. In accordance with section 127 of the *Community Charter*, Council must prepare annually on or before January 1 each year, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- ii. In accordance with section 127 of the *Community Charter*, Council must give notice annually on or before January 1 of the time and duration that the schedule of regular Council meetings will be available beginning on that date in accordance with section 94 of the *Community Charter*.
- iii. If revisions are necessary to the annual schedule of the Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places and publish in the newspaper to indicate any revisions to the date, time, duration and place of, or cancellation of a Regular Council Meeting.

7. Notice of special meetings

- i. 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 twenty-four (24) hours before the time of meeting, by
 - (a) posting a copy of the notice at the Public Notice Posting Places, and

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- (b) providing the notice and the agenda electronically by email as well as providing a copy of both for each Council member in the Council member's mailbox at the Village Office as requested.
- ii. The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

8. Electronic Meetings

- i. Provided the conditions set out in subsection 128(2) of the *Community Charter* are met a special Council meeting may be conducted by means of audio electronic or other communication facilities .
- ii. The member presiding at a special council must not participate electronically.
- iii. No more than two (2) members of council at one time may participate at a special council meeting when electronic or other communications facilities is being used by another member under section 8(1).

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

9. Appointment of Acting Mayor

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

PART 4 – COUNCIL PROCEEDINGS

10. Attendance of Public at Meetings

- i. Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- ii. Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- iii. This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - (a) Standing and Select Committees,
 - (c) Parcel Tax Review Panel,
 - (d) Board of Variance.
- iv. Despite section 10(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 9 may expel or exclude from a Council meeting a person in accordance with section 20(8).

11. Minutes of meetings to be maintained and available to public

- i. Minutes of the proceedings of Council must be:
 - (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer or designate, and
 - (c) signed by the Mayor or other member presiding after adoption of the minutes.
- ii. With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.
- iii. Subject to subsection 11(3), and in accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at the Village Office during its regular office hours.
- iv. Subsection 11(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

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12. Calling meeting to order

- i. As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 9 must take the Chair and call such meeting to order.
- ii. If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 9 do not attend within twenty (20) minutes of the scheduled time for a Council meeting:
 - (a) the Chief Administrative Officer must call to order the members present, and
 - (b) the members present must choose a member to preside at the meeting.

13. Adjourning meeting where no quorum

- i. If there is no quorum of Council present within twenty (20) minutes of the scheduled time for a Council meeting, the Chief Administrative Officer or designate must:
 - (a) record the names of the members present, and those absent, and
 - (b) adjourn the meeting until the next scheduled meeting.

14. Agenda

- i. Prior to each Council meeting, the Chief Administrative Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- ii. The deadline for submissions by the public to the Manager of Administrative Services of items for inclusion on the Council meeting Agenda is 12:00 p.m. on the Wednesday prior to the meeting.
- iii. The Chief Administrative Officer must make the agenda available to the members of Council on the Friday afternoon prior to the meeting.
- iv. The Chief Administrative Officer must make the agenda available to the members of the public no later than the Monday at noon prior to the meeting.

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- v. Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 16. Materials relating to late items presented at a Council meeting shall be distributed to the Corporate Officer, the Recording Secretary and all senior staff in attendance.

15. Order of proceedings and business

- i. The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Call to order
 - (b) Approval of Agenda
 - (c) Adoption of Minutes
 - (d) Business Arising from the minutes
 - (e) Delegations – requests to address Council
 - (f) Reports
 - Committee reports
 - Staff
 - Mayor
 - Councillor
 - (g) Bylaws
 - (h) Correspondence
 - for action
 - for information
 - (i) New business
 - (j) Notice of Motion
 - (k) Question Period
 - (l) In Camera
 - (m) Rise and Report
 - (n) Adjournment
- ii. Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

16. Late Items

- i. An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.

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- ii. If the Council makes a resolution under section 16(1), information pertaining to late items must be distributed to the members.

17. Petitions and Communications (Correspondence)

- i. Every communication, including petitions and communications (correspondence) presented to Council must be legibly written or printed, signed and contain a return address. Unsigned email correspondence will be accepted if it contains the name of the author, return mailing and civic address, and telephone number.
- ii. Every petition or communication (correspondence) for a Council meeting must be delivered to the Corporate Officer by 12 noon on the Wednesday prior to a regular meeting.

18. Voting at meetings

- i. 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:
 - leave the room,
 - make a noise or other disturbance, or
 - 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) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;

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- (g) if a vote is not unanimously in favour the presiding member must ask the opposing member if they wish their vote and name is to be recorded in opposition and the recording secretary will be so instructed.
- (h) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;

19. Delegations

- i. The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application has been received by the Manager of Administrative Services by noon on the Wednesday prior to the meeting. Each address must be limited to ten (10) minutes with a question period of five (5) minutes for a total of fifteen (15) minutes unless a longer period is agreed to by unanimous vote of those members present.
- ii. Where written application has not been received by the Manager of Administrative Services as prescribed in section 18(1), an individual or delegation may address the meeting if approved by the majority vote of the members present.
- iii. Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- iv. The Chief Administrative Officer may schedule a maximum of two (2) delegations to any Council meeting provided the Manager of Administrative Services shall have received a written request explaining the subject matter to be discussed with Council no later than the Wednesday at noon prior to the scheduled Council meeting;
- v. The Chief Administrative Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- vi. The Chief Administrative Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Chief Administrative Officer's decision, the information must be distributed under separate cover to Council for their consideration.

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20. Points of order

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

21. Conduct and debate

- i. A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- ii. Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- iii. Members must address other non-presiding members by the title Councillor.
- iv. No member must interrupt a member who is speaking except to raise a point of order.
- v. If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- vi. Members who are called to order by the presiding member:
 - (a) must immediately stop speaking,
 - (b) may explain their position on the point of order, and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.

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- vii. Members speaking at a Council meeting:
 - (a) must use respectful language,
 - (b) must not use offensive gestures or signs,
 - (c) must speak only in connection with the matter being debated,
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.

- viii. If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
 - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat , and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.

- ix. 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.

- x. 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
 - (a) with the permission of Council, or
 - (b) 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 may speak to a question, or may speak in reply, for longer than a total time of ten (10) minutes only with the permission of Council.

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22. Motions generally

- i. Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- ii. A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- iii. A Council member may make only the following motions, when the Council is considering a question:
 - (a) to refer to committee;
 - (b) to amend;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain time;
 - (f) to move the previous question, or the question;
 - (g) to adjourn.
- iv. A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- v. 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.

23. Motion to commit

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

24. Motion for the main question

- i. In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- ii. At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
 - (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

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25. Amendments generally

- i. Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- ii. An amendment may propose removing, substituting for, or adding to the words of an original motion.
- iii. A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- iv. 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.
- v. An amendment may be amended once only.
- vi. An amendment that has been negated by a vote of Council cannot be proposed again.
- vii. A Council member may propose an amendment to an adopted amendment.
- viii. The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question , or an amended motion amending the main question if the vote under subparagraph (a) is positive;
 - (c) the main question.

26. Reconsideration by Council Member

- i. Subject to subsection (5), a Council member may, at the next Council meeting,
 - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - (b) move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.
- ii. A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.

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- iii. Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- iv. A vote to reconsider must not be reconsidered.
- v. Council may only reconsider a matter that has not
 - (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*,
 - (c) been acted on by an officer, employee, or agent of the Village.
- vi. The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- vii. A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

PART 5 – BYLAWS

27. Copies of proposed bylaws to Council members

A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

28. Reading and adopting bylaws

- i. The presiding member of a Council meeting may
 - (a) have the Chief Administrative Officer read a synopsis of each proposed bylaw, and then
 - (b) request a motion that the proposed bylaw be read;
- ii. The readings of the bylaw may be given by stating its title and object.
- iii. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- iv. Subject to section 882 of the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.

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- v. In accordance with section 135 of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- vi. Despite section 135(3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

29. Bylaws must be signed

After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council, the Corporate Officer must have it placed in the Village's records for safekeeping.

PART 6 - RESOLUTIONS

30. Copies of resolutions to Council members

A resolution may be introduced at a Council meeting only if a copy of it has been delivered to each Council at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

PART 7 -- COMMITTEES

31. Duties of standing committees

- i. Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- ii. Standing committees must report and make recommendations to Council at all of the following times on matters that are assigned by Council or the Mayor:
 - (a) as required by Council or the Mayor, or
 - (b) at the next Council meeting if the Council or Mayor does not specify a time.

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32. Duties of select committees

- i. Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- ii. Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

33. Notice of committee meetings

- i. Notice and Agenda of committee meetings, including the times, dates and places of the meetings must be given by:
 - a. posting a notice of the meeting at the Public Notice Posting Places; and
 - b. providing a copy of the notice and agenda by email (electronically) to each member of the committee at least twenty-four (24) hours prior to the meeting.
 - c. providing a copy of the notice and agenda by email (electronically) to each member of the council at least twenty-four (24) hours prior to the meeting.

34. Minutes of committee meetings to be maintained and available to public

Minutes of the proceedings of a committee must be:

- a. legibly recorded,
- b. certified by the Corporate Officer or his/her designate and the presiding member, and
- c. open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

35. Quorum

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

36. Conduct and debate

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

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- ii. 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.

37. Voting at meetings

- i. Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- ii. The Mayor is a ex officio member of all Committees and therefore is entitled to vote on any matter before the Committee.

PART 8 – GENERAL

38. Validity of the Bylaw

- i. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- ii. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

39. Repeal

Village of Pemberton Council Procedure Bylaw No. 625, 2009 is hereby repealed.

READ A FIRST TIME this 18th day of January, 2011

READ A SECOND TIME this 18th day of January, 2011

READ A THIRD TIME this 18th day of January, 2011

RESCINDED THIRD READING this 1st day of February, 2011

AMENDED AND READ A THIRD TIME this 15th day of February, 2011

RECONSIDERED, FINALLY PASSED and ADOPTED this 1st day of March, 2011

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Jordan Sturdy, Mayor

Lonny Miller, Corporate Officer