VILLAGE OF PEMBERTON -COMMITTEE OF THE WHOLE MEETING AGENDA-

Agenda for the Committee of the Whole of Council of the Village of Pemberton to be held Tuesday, May 19, 2015 at 1:00 PM in the Council Office, 7400 Prospect Street. This is meeting No. 133.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010."

Time Item of Business

Page No.

- 1. CALL TO ORDER
- 2. APPROVAL OF AGENDA

Recommendation: THAT the agenda be approved as presented.

- 3. DELEGATION
 - a) Ryan Wainwright, Emergency Program Manager, Squamish-Lillooet Regional District Emergency Management Presentation
- 4. COUNCIL PROCEDURE BYLAW

2

Recommendation: THAT Committee of the Whole review the draft procedure bylaw and provide direction to staff with respect to adding a section respecting In Camera Meetings and Ratification of Committee Resolutions and provide direction regarding Question Period;

AND THAT if the Committee of the Whole is satisfied as a result of the review at this meeting staff be directed to post Notice and bring the bylaw forward for consideration of First, Second and Third reading on June 2, 2015.

5. ADJOURNMENT



REPORT TO COMMITTEE OF THE WHOLE

Date: May 19, 2015

To: Nikki Gilmore. Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services

Paige MacWilliam, Legislative Assistant

Subject: Council Procedure Bylaw Update and Follow-up

PURPOSE

The purpose of this report is to present for the Committee of the Whole's review the draft Procedure Bylaw and to seek direction to proceed with providing Notice to the Public in anticipation of Bylaw Readings.

BACKGROUND

In accordance with the *Community Charter, Section 124*, Municipalities are required to pass a procedure bylaw that regulates Council meetings and their conduct, as well as the procedure that is to be followed for passing bylaws.

The current *Procedure Bylaw No. 656*, was passed in 2011 and was twice in 2012 and again in 2013.

It is common practice for a newly elected Council to review their Procedure Bylaw and make changes that may be required to meet with changes in legislation, for administrative purposes or to provide clarity in process should it be deemed necessary or appropriate by Council. As such, at Regular Council Meeting No. 1385, held on December 16th, 2014, Council passed the following resolution:

Moved/Seconded

THAT Council direct staff to bring forward an updated Council Procedure Bylaw for review and consideration at a Committee of the Whole to be held in January.

CARRIED

In this regard, Staff prepared and presented for consideration a draft Procedure Bylaw which was reviewed at the Committee of the Whole held on Tuesday, April 21, 2015. The Committee passed the following resolution:

Moved/Seconded

THAT staff bring a draft procedure bylaw to Committee of the Whole with information on options for scheduling question period.

CARRIED

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DISCUSSION & COMMENTS

Since the draft bylaw as introduced to the Committee of the Whole, staff attended a Bylaw Drafting Workshop at which local governments were cautioned against including sections of provincial legislation as part of a bylaw. As well, there was discussion related to ensuring definitions in a bylaw align with provincial legislation and that the numbering scheme within a bylaw is best to follow that used in legislation and other municipal bylaws in order to keep consistency.

With this new information in mind, the draft Procedure Bylaw attached to this report as Appendix A has incorporated all the track changes and suggested amendments as considered and supported by the Committee of the Whole on April 21 as well as those recommendations learned at the workshop.

As such, the Committee will note that the following sections have been adjusted and are identified in the track changes:

Definitions – several definitions revised to reflect the same language as used in legislation

Confidential Matters – the clause has been amended to reference the *Community Charter* and the quotes from the specific section removed.

Numbering – has been adjusted to align with the legislation and other municipal bylaws.

In addition, based on discussions held by the Committee of the Whole, Staff has provided some additional wording that the Committee may wish to consider incorporating into the draft bylaw:

Part 2 – Council Meetings, Section 5

Staff is recommending the addition of subsection (iv) which states:

In Camera (Closed) Council meetings may:

Be held on the same day as the Regular Council Meeting as established in section 5 (ii) (a) at either 2:00 pm or 9:00 am.

Currently In Camera or Closed meetings are held either the afternoon prior to the evening Council meeting (first Tuesday of the month) or incorporated into the agenda if the meetings is held during the day (third Tuesday of the month). While holding the In Camera prior to the Open meeting works well on the first meeting of the month there have been times on the second meeting of the month that the Closed portion of the Regular Meeting has run long which has resulted in a delay in either concluding the Open meeting, at which the public wished to attend, or has delayed the start of the Committee of the Whole meeting which has been traditionally held upon the conclusion of the Regular and Closed meetings.

At the last Regular Council Meeting, which was held on April 21st during the day, and the Council meeting held earlier this day, the agenda was adjusted so that Council moved In Camera at the beginning of the meeting. The Regular Meeting agenda established the time by which Council would reconvene the Open portion of the meeting. This approached seemed to work well as it allowed Council to have these confidential discussions early in the day and ensured the public that the open meeting would reconvene at a set time. Although the April 21st In Camera discussions were not concluded Council did recess the closed meeting, moved to the Regular

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Open Meeting and upon conclusion of the Regular Meeting business moved back to closed to conclude their business.

Staff is proposing that included into the Procedure Bylaw is language that will establish the times at which In Camera Meetings will be held on Regular Council Meeting days. Based on past practice and the approached used on April 21st Staff has put forward for consideration the time of 2:00 p.m. for the first meeting of the month and 9:00 a.m. for the second meeting of the month. Council could choose not to establish a time that In Camera meetings will be held, and simply indicate in the Procedure Bylaw that In Camera meetings will be held on the same day as regular Council Meetings with start times to be determined as needed.

Part 8 – COMMITTEES

Staff is recommending the addition of a new Section in Part 8 that addresses Ratification by Council of Committee recommendations. In this regard, the proposed wording is noted below:

Notwithstanding Sections 44 and 45 resolutions adopted by a Committee or Committee of the Whole must be presented to Council for ratification except for the following:

Resolutions referring items to staff; Resolutions deferring an item; Resolutions receiving a report or information; and Defeated resolutions

By relieving the requirement that Council must ratify the above noted directions from a Committee or the Committee of the Whole staff will be able to proceed with direction given without having to wait until the next regularly scheduled meeting to have the direction confirmed. This will assist in moving matters forward in a timely manner. It should be noted that the Minutes will still be presented to Council, in the case of a Committee, for information and in the case of Committee of the Whole for adoption.

Question Period:

Currently the Village Council Procedure Bylaw provides for Question Period at the end of the meeting as a means to allow for members of the public to ask questions to Council respecting the business on the agenda. In 1999 Council approved, by resolution, the Open Question Period Policy which establishes guidelines for this portion of the meeting (Appendix B). At the time Question Period was not included within the Order of Proceedings and as such was not recorded in the minutes. In the early 2009 the Procedure Bylaw was revised to include Question Period within the Order of Proceedings and as such this portion of the meeting is included in the minutes.

As per the Committee's request, staff has researched and investigated how other communities address question period. It was noted that many municipalities hold Question Period at the end of the meeting although a few do allow for a Question Period or Public Input session at the beginning of the meeting (Appendix C).

The Question Period policy is included in each Regular Council Meeting Agenda Package at the back. As these guidelines are set by resolution, should Council wish to make amendments to the policy it would have to be amended by resolution.

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It is staff's recommendation that Question Period remain at the end of the meeting to allow for those in attendance to hear all the business of the meeting before asking questions. In some cases concerns or questions may have been addressed by staff reports or discussion by Council. If Council prefers to hold Question Period at the beginning of the meeting, it is recommended by staff that the title of this portion of the meeting be changed to "Public Input Period" to reduce the expectation that Council will answer questions about agenda items before they've had an opportunity to receive reports from staff and to discuss items during the course of the meeting.

COMMUNICATIONS

If Council chooses to amend, or repeal and substitute *Council Procedure Bylaw No. 656*, notice must be given in accordance with section 124 (3) of the *Community Charter which states:*

A bylaw under this section must not be amended, or repealed and substituted, unless the council <u>first gives notice in accordance with section 94</u> [public notice] describing the proposed changes in general terms.

Notice must be posted in public notice posting places and published for two (2) consecutive weeks in a newspaper that is distributed at least weekly. In this regard, should Council determine it is appropriate to bring forward a new Council Procedure Bylaw notice will also be posted at the Village Notice Boards, on the Village website, via the eNews and Facebook Page and depending on the timing included in either the Doorstep Digest or the Pemberton Page.

LEGAL CONSIDERATIONS

Council is required by Section 124 of the *Community Charter* to establish a procedure bylaw. If Council would like to make changes to the existing *Procedure Bylaw No. 656*, Council may pass a bylaw to amend the existing bylaw, or repeal the existing bylaw and replace it with a new procedure bylaw but only after notice has first been given as noted above.

IMPACT ON BUDGET & STAFFING

The cost associated with posting notice in the Newspapers will be approximately \$350 - \$400 depending on specifications of the advertisement. The review of procedure bylaw has been incorporated into staff time of the Corporate & Legislative Services Department.

INTERDEPARTMENTAL IMPACT & APPROVAL

The above noted project has been incorporated into the daily routine of the Corporate & Legislative Services department and can be accommodated.

Sheena Fraser

Luca Faser

Manager of Corporate & Legislative Services

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this Procedure Bylaw has no impact on other jurisdictions.

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ALTERNATIVE OPTIONS

The alternative option for consideration is to continue to operate Council meetings in accordance with the existing *Council Procedure Bylaw No. 656, 2011* and its amendments.

POTENTIAL GOVERNANCE CONSIDERATIONS

This initiative supports the Village's Strategic Priorities 2015, particularly the Village's Strategic Priority of Good Governance.

The Village is committed to citizen engagement, being an open and accountable government, and fiscal responsibility.

RECOMMENDATIONS

THAT Committee of the Whole review the draft procedure bylaw and provide direction to staff with respect to adding a section respecting In Camera Meetings and Ratification of Committee Resolutions and provide direction regarding Question Period;

THAT if the Committee of the Whole is satisfied as a result of the review at this meeting staff be directed to post Notice and bring the bylaw forward for consideration of First, Second and Third reading on June 2, 2015.

Attachments:

Appendix A – Draft Council Procedure Bylaw Appendix B – Open Question Period Policy Appendix C – Question Period Survey

Paige MacWilliam Legislative Assistant

MANAGER:

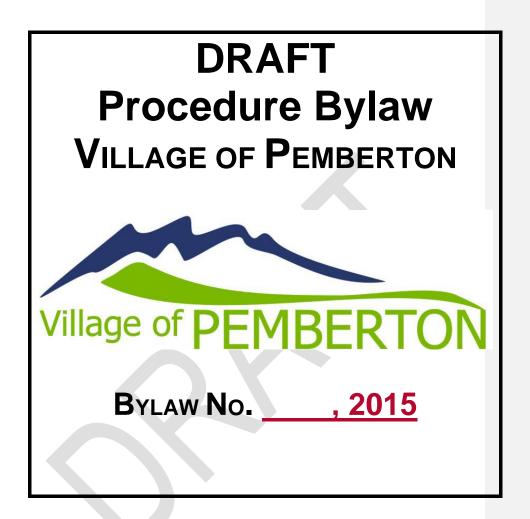
Sheena Fraser

Manager of Corporate & Legislative Services

CHIEF ADMINISTRATIVE OFFICER REVIEW

Nikki Gilmore

Chief Administrative Officer



WHEREAS the Council of the Village of Pemberton must by bylaw regulate 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. _____, 2015".

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:

"Commission" means a municipal commission established under s. 143 of the *Community Charter*;

"Committee" means a standing, select, or other committee of Council established under the *Community Charter*,

"Committee of the Whole" means a committee comprised of all Council Members of the Village of Pemberton to consider and recommend to Council on matters of the Village's business. The Committee sits in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting action;

"Corporate Officer" means the municipal officer assigned responsibility under section 148 [corporate officer]; means the person designated by Council the responsibility of corporate administration pursuant to section 148 of the Community Charter.;

"Council" means the council of the Village of Pemberton; means the governing and executive body of the Village of Pemberton constituted as provided in the Community Charter:

"Councillor" means a member of a council other than the mayor; means a duly elected member of the Council of the Village of Pemberton;

"Council Chambers" means the premises located at 1350 Aster Street, Pemberton, B.C. or the Village Office, 7400 Prospect Street;

"Delegation" means an individual or group who wishes to bring information to Council or Committee of the Whole on a topic specified on a Request to Appear as a Delegation Form; "Inaugural Meeting" means the first meeting of the newly elected Council at which the members elected at the most recent general local election are sworn in or are meeting for the first time after the swearing in ceremony.

Commented [PM1]: These are defined in the Community Charter, so any definition we include would be trumped by the CC.

"In Camera" means a meeting of the Village of Pemberton Council, committees or commissions which is closed to the public pursuant to the provisions of s. 90 of the *Community Charter*,

"Mayor" means the Mayor of the Village of Pemberton;

s. 124(2)(e)

- "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 Web Site;
- **"Special Council Meeting"** means a meeting of the Council other than a Regular or Inaugural Meeting.
- "Swearing In Ceremony" means the event at which the newly elected members of Council take the oath of office. This could take place at the Inaugural Meeting or at a different time and place prior to the Inaugural meeting of Council.
- "Village" means the Village of Pemberton;
- "Village Office" means the premises located at 7400 Prospect Street, Pemberton, B.C.;

s. 94(7)

"Village Web Site" means the information resource found at an internet address provided by the Village.

3. Application of rules of procedure

s.124(2)(a) and (b)

- a) The provisions of this Bylaw govern the proceedings of Council, and all standing, select committees and commissions of Council, as applicable.
- b) In cases not provided for under this Bylaw, the then most current edition of Robert's Rules of Order applies to the proceedings of Council, committees and commissions to the extent that those Rules are
 - i) applicable in the circumstances, and
 - ii) consistent with provisions of this Bylaw or the Community Charter.

PART 2 - COUNCIL MEETINGS

4. Inaugural Meeting

s.124(2)(g) s.125(1) a) Following a general local election the first Council meeting must be held on the first Tuesday of November.

s.125(2)

b) 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 section 4 (a), 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. Date, Time and location of meetings

s.125(2)

- All Council meetings must take place at the Council Chambers within the Village except when Council resolves to hold meetings elsewhere.
- b) Regular Council meetings must:
 - be held on Tuesdays the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year;
 - be adjourned no later than three (3) hours after being called to order unless Council resolves to proceed beyond that time in accordance with section 27;
 - iii) notwithstanding clause (b)(i) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
 - iv) Be held in Council Chambers, or the Village Office unless Council otherwise resolves.
- c) Regular Council meetings may:
 - Be cancelled or postponed to a different day, time and place by Council by resolution, provided that two consecutive meetings are not cancelled; and
 - Be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two (2) days' written notice.
- d) In Camera (Closed) Council meetings may:
 - <u>Be held on the same day as the Regular Council Meeting as</u> established in section 5 (b) (i) at either 2:00 pm or 9:00 am.
- d)e) Special Meetings, being a meeting other than a statutory, regular or adjourned meeting, may:
 - i) Be called by Council at a Regular meeting of Council;

Commented [sf2]: These times are proposed for discussion purposes.

- ii) Be called by the Mayor at his or her discretion at any time;
- iii) Be requested by two or more Council Members, in writing to the Mayor, Chief Administrative Officer and Corporate Officer. If the Mayor or Acting Mayor is absent or unable to act, or for any reason neither have arranged within twenty-four (24) hours after receiving a request under this section then two or more members of Council may themselves call for a Special Meeting to be held within the next seven (7) days.

6. Notice of Regular Council Meetings

s.127(1)

- a) 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.
- b) 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.
- c) 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

s.127(2)

- a) 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:
 - posting a copy of the notice at the Public Notice Posting Places, and
 - ii) 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.

s.127(3)

b) The notice under section 7 (a) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

c) Notice of any Meeting called under Section 5 (e) will be signed by the Members calling the Meeting, or by the Corporate Officer in place of the Mayor.

8. Confidential Matters

- a) As stated in the Community Charter, matters deemed to be of a confidential nature in accordance with the provisions of section 90 may be considered in a meeting closed to the public (In Camera). 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 municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations:
- (d) the security of the property of the municipality;
- the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;

Commented [PM3]: Note: reference to the legislation replaces quotation.

- (I) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
- 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 (b):
- (e) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a Council meeting.
- b) A part of a Council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
 - a request under the Freedom of Information and Protection of Privacy Act in relation to the matter;
 - (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - (c) a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 [ombudsman to notify authority] of that *Act*;
 - a matter that, under another enactment, is such that the public must be excluded from the meeting.
- c) If the only subject matter being considered at a Council meeting is one or more matters referred to in subsection (i) or (ii), the applicable subsection applies to the entire meeting.

9. Electronic Participation at Meetings

a) Provided that all of the conditions set out in section 128 (2) of the Community Charter are met, and subject to section 9 (b), a member of council or of a council committee or commission, other than the presiding member, who is unable to attend at any council, committee, commission or special meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.

s. 128

- b) As a limit on section 9 (a), no more than two (2) members of Council, committee or commission may participate at any one meeting by way of electronic or other communications facilities.
- In instances where the Mayor will participate in a meeting electronically, the Council member designated to act in place of the Mayor shall preside. In absence of the designate, the member present shall elect from among themselves a presiding member for that meeting;
- d) Where a meetings is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*;
- e) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;
- f) Council members may not attend by electronic means more than a maximum of four (4) meetings as identified in this section per calendar year.

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

10. Appointment of Acting Mayor

s. 130

- a) 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 for the subsequent year.
- b) Each Councillor designated under section 10 (a) must fulfill the responsibilities of the Mayor in his or her absence.
- c) If both the Mayor and the member designated under section 10 (a) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting pursuant to section 14 (b).
- d) The member designated under section 10 (a) or chosen under section 10 (c) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 - COUNCIL MEETING PROCEEDINGS

11. Attendance of Public at Meetings

s. 89

a) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.



b) 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.



c) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:

- i) Committee of the Whole
- ii) Standing and Select Committees,
- iii) Parcel Tax Review Panel,
- iv) Board of Variance,
- v) Advisory bodies as established by Council.

<u>s. 133</u>

d) Despite section 11(a), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 may expel or exclude from a Council meeting a person in accordance with section 24 (h).

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

s.124(2)(c)

- a) Minutes of the proceedings of Council and its Committees and Commissions must be:
 - i) legibly recorded,
 - ii) certified as correct by the Corporate Officer or designate, and
 - iii) signed by the Mayor or other member presiding after adoption of the minutes.
- b) Minutes of the proceedings of Council and its committees and commissions shall record:
 - i) The place, date and time of meeting;
 - The names of the Presiding Member or members and record of the attendance of members;
 - iii) Motions of the meeting without note or comment.
- With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.



d) Subject to section 12 (e), 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.

e) Section 12 (d) 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*.

13. Release of In Camera (Closed) Meeting Items

- a) At the first Regular Meeting of Council after a Closed Meeting, the Mayor shall announce the decisions made in the Closed Meeting that Council has determined by resolution are no longer confidential matters, and that this include which Councillors declared conflict in a closed matter when brought forward to the public.
- b) Biannually, the Corporate Officer shall bring to the attention of the Council those items that were dealt with in a Closed Meeting and have not been released for public information. Council shall then determine by resolution which items are no longer confidential matters and announce the decisions at the next Regular Meeting of Council.

14. Calling meeting to order



- a) 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 10 must take the Chair and call such meeting to order.
- b) 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 10 do not attend within twenty (20) minutes of the scheduled time for a Council meeting:
 - the Corporate Officer must call to order the members present, and
 - ii) the members present must choose a member to preside at the meeting.

15. Adjourning meeting where no guorum

- a) If there is no quorum of Council present within twenty (20) minutes of the scheduled time for a Council meeting, the Corporate Officer or designate must:
 - record the names of the members present, and those absent, and

ii) adjourn the meeting until the next scheduled meeting.

16. Agenda

- a) Prior to each Regular Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- b) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Regular Council meeting Agenda is noon on the Wednesday prior to the meeting.
- The Corporate Officer must make the agenda available to the members of Council on the Friday afternoon prior to the meeting.
- d) The Corporate Officer must make the agenda available to the members of the public no later than the Monday at noon prior to the meeting.
- e) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced and approved as a late item of business pursuant to section 18.
 Materials relating to late items of business presented at a Regular Council meeting shall be distributed to the Corporate Officer, Chief Administrative Officer, Recording Secretary and all senior staff in attendance.

17. Order of proceedings and business

- a) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - i) Call to order
 - ii) Approval of Agenda
 - iii) In Camera (Closed) if applicable
 - iv) Rise with Report
 - v) Adoption of Minutes
 - vi) Business Arising from the Minutes
 - (1) Regular Meeting
 - (2) Committee of the Whole
 - vii) Committee Minutes for Information

- viii) Delegations requests to address Council
- ix) Reports
 - (1) Staff
 - (2) Mayor
 - (3) Councillor
- x) Bylaws
 - (1) First and second Reading
 - (2) First, Second and Third Reading
 - (3) Third Reading
 - (4) Adoption
- xi) Correspondence
 - (1) for action
 - (2) for information
- xii) Decision on Late Business
- xiii) Late Business
- xiv) Notice of Motion
- xv) Question Period
- xvi) Adjournment
- b) 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.

18. Late Business

- a) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late business is approved by Council at the time allocated on the Agenda for such matters.
- b) If the Council makes a resolution under section 18 (a) to deal with a matter at the same meeting it is introduced, information pertaining to the late business must be distributed to the members.

19. Notice of Motion

 a) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council. **Commented [sf4]:** Further discussion required. Reference guidelines adopted by Council 1999.

b) Upon the member being acknowledged by the Chair and the Notice of Motion being read to the meeting, such motion shall appear in the minutes of that meeting as a Notice of Motion and must be placed on the agenda of the next Regular Council Meeting or other future meeting designated by the member bringing forward the Notice of Motion for consideration.

20. Petitions and Correspondence

- a) Petitions and correspondence, presented to Council must be legibly written or printed, signed and contain a return address and telephone number.
- b) Unsigned email correspondence will be accepted if it contains the name of the author, return mailing and civic address, and telephone number. All communication presented to Council will be subject to Freedom of Information and Protection of Privacy Act.
- c) Every petition or correspondence for a Council meeting must be delivered to the Corporate Officer by 12 noon on the Wednesday prior to a regular meeting.

21. Voting at Meetings

- a) The following procedures apply to voting at Council meetings:
 - when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
 - ii) 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."
 - iii) when the presiding member is putting the matter to a vote under section 21 (a) (i) and (ii) a member must not:
 - (1) leave the room;
 - (2) make a noise or other disturbance; or
 - (3) interrupt the voting procedure under section 21 (a) (ii) unless the interrupting member is raising a point of order.
 - after the presiding member finally puts the question to a vote under section 21 (a) (ii), a member must not speak to the question or make a motion concerning it;
 - v) the presiding member's decision about whether a question has been finally put is conclusive;

- vi) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- vii) Should any member refrain from voting when any question is put, the member shall be regarded as having voted in the affirmative and the members vote shall be counted accordingly;
- viii) if a vote is not unanimously in favour the presiding member must ask the opposing member if they wish their vote and name to be recorded in opposition and the recording secretary will be so instructed;
- ix) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

22. Delegations

- a) Persons or groups of persons wishing to appear as a delegation before Council shall advise the Corporate Officer in writing by noon on the seventh (7) day prior to the date of the meeting. This request must include the name, address and telephone number of the person who wishes to speak on behalf of the delegation and the purpose of the presentation. Written submission that will form part of the presentation must be provided at the time of the application.
- b) 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.
- c) Where written application has not been received by the Corporate Officer as prescribed in section 22 (a), an individual or delegation may address the meeting if approved by the majority vote of the members present.
- d) 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.
- e) The Corporate Officer may schedule a maximum of two (2) delegations to any Council meeting. Delegations shall be placed on the agenda on a first come basis.
- f) The Corporate Officer may schedule delegations to another Council meeting, a committee or advisory body or ask staff to address the

delegate's issue as deemed appropriate according to the subject matter of the delegation.

- g) The Corporate Officer may decline 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 Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- h) Council shall not act on a request from a delegation until the next regular meeting, unless consent by two-thirds vote of Council present is given to consider the matter following the delegation presentation.
- A delegate may not speak on an issue that is the subject of a staff report not yet presented to a Council meeting.

23. Points of order

- s. 132
- a) 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:
 - i) if the motion is contrary to the rules of procedure in this bylaw, and
 - whether or not another Council member has raised a point of order in connection with the motion.
- b) When the presiding member is required to decide a point of order:
 - the presiding member must cite the applicable rule or authority if requested by another Council member,
 - another member must not question or comment on the rule or authority cited by the presiding member under section 23 (b)
 (i), and
 - iii) the presiding member may reserve the decision until the next Council meeting.

24. Conduct and debate

- a) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- b) Members must address the presiding member by that person's title of Mayor, Acting Mayor or Councillor.

- Members must address other non-presiding members by the title Councillor.
- d) No member must interrupt a member who is speaking except to raise a point of order.
- e) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- f) Members who are called to order by the presiding member:
 - i) must immediately stop speaking,
 - ii) may explain their position on the point of order, and
 - iii) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- g) Members speaking at a Council meeting:
 - i) must use respectful language,
 - ii) must not use offensive gestures or signs,
 - iii) must speak only in connection with the matter being debated,
 - iv) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
 - 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.
- h) If a member does not adhere to section 24 (g), the presiding member may order the member to leave the member's seat, and
 - i) 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
 - ii) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- i) 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.
- j) The following rules apply to limit speech on matters being considered at a Council meeting:

s. 132

s. 133(1

s. 133(2)

- a member may speak more than once in connection with the same question only:
 - (4) with the permission of Council, or
 - (5) if the member is explaining a material part of a previous speech without introducing a new matter;
- ii) a member who has made a substantive motion to the Council may reply to the debate;
- iii) 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.

25. Motions Generally

- a) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- b) 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.
- c) A Council member may make only the following motions, when the Council is considering a question:
 - i) to refer to committee;
 - ii) to amend;
 - iii) to lay on the table;
 - iv) to postpone indefinitely;
 - v) to postpone to a certain time;
 - vi) to move the previous question, or the question;
 - vii) to adjourn.
- d) A motion made under section 25 (c) (iii) to (vii) is not amendable or debatable.
- e) 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.

26. Motion to Commit

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

27. Motion for the main question

- a) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- b) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
 - i) 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
 - ii) 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.

28. Amendments Generally

- a) Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- b) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- c) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- d) 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.
- e) An amendment may be amended once only.
- f) An amendment that has been negatived by a vote of Council cannot be proposed again.
- g) A Council member may propose an amendment to an adopted amendment.
- h) The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - i) a motion to amend a motion amending the main question;

- ii) a motion to amend the main question, or an amended motion amending the main question if the vote under section 28 (h)
 (i) is positive;
- iii) the main question.

29. Reconsideration by Mayor

- a) In accordance with section 131 of the Community Charter, the Mayor may at the same council meeting as the vote took place or at any time within thirty (30) days after the adoption or rejection of any bylaw, resolution or proceeding, return same for consideration by Council subject to the following:
 - i) It has not had the assent of the electors:
 - ii) It has not already been reconsidered by Council; and
 - iii) It not has been acted upon by any Officer, employee or Agent of the Village.
- b) In returning matters for council's reconsideration the Mayor may state the reasons or objections, which will be recorded in the minutes. Council shall as soon thereafter as convenient, consider the reasons or objections and either;
 - i) Reaffirm the Bylaw, resolution or proceedings; or
 - ii) Reject the bylaw, resolution or proceedings.
- c) Bylaws and resolutions that are rejected after reconsideration are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.
- d) A bylaw, resolution, or proceeding that is reaffirmed under section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration

30. Reconsideration by Council Member

- a) Subject to section 30 (e), a Council member may, at the next Council meeting,
 - move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - ii) move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.

- b) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- c) Council must not discuss the main matter referred to in section 30

 (a) unless a motion to reconsider that matter is adopted in the affirmative.
- d) A vote to reconsider must not be reconsidered.
- e) Council may only reconsider a matter that has not:
 - i) had the approval or assent of the electors and been adopted,
 - ii) been reconsidered under section 30 (a) or section 131 of the *Community Charter*;
 - iii) been acted on by an officer, employee, or agent of the Village.
- f) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- g) A bylaw or resolution that is rejected after reconsideration under section 30 (a) is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.
- h) A bylaws, resolution, or proceeding that is reaffirmed under section 30 (a) is deemed as valid and has the same effect as it had before reconsideration.

31. Adjournment

a) Council may continue a council meeting after three (3) hours only by an affirmative vote.

PART 5 - BYLAWS

32. Copies of proposed bylaws to Council members

s.124(2)(a)

 a) 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.

33. Form of Bylaws

- a) A bylaw introduced at a council meeting must:
 - Be printed;
 - ii) Have a distinguishing name;
 - iii) Have a distinguishing number;
 - iv) Contain an introductory state of purpose;
 - v) Be divided into sections.

34. Reading and adopting bylaws

- a) The presiding member of a Council meeting may:
 - have the Corporate Officer read a synopsis of each proposed bylaw, and then;
 - ii) request a motion that the proposed bylaw be read.
- The readings of the bylaw may be given by stating its title and object.
- A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community* Charter.
- d) Subject to section 882 of the *Local Government Act* [OCP Adoption *Procedures*], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- e) In accordance with section 135 of the *Community Charter* [*Requirements for passing bylaws*], Council may give two or three readings to a proposed bylaw at the same Council meeting.
- f) Despite section 135 (3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act* [*Public Hearings*], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

35. Bylaws must be signed

<u>s.135(6)</u> <u>s.148(a)</u>

 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 and endorse upon it:

s.135(2

- i) The Village's Corporate Seal;
- ii) The dates of its readings and adoption; and
- iii) The date of Ministerial Approval or Approval of the Electorate as applicable.

PART 6 - RESOLUTIONS

36. Copies of resolutions to Council members

s.124(1)(a)

s.148(f)

 a) A resolution 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.

PART 7 - COMMITTEE OF THE WHOLE (COTW)

37. Notice for COTW meetings

s.124(2)(d)

- a) A notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
 - i) posting a copy of the notice at the Public Notice Posting Places; and
 - ii) providing the notice and 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.

38. Minutes of COTW meetings to be maintained and available to public

Minutes of the proceedings of COTW must be:

- - i) legibly recorded,
 - ii) certified by the Corporate Officer,
 - iii) signed by the member presiding at the meeting, and
 - iv) open for public inspection in accordance with section 97(1)(c) of the Community Charter.

39. Presiding members at COTW meetings and Quorum

a) The Mayor shall preside the COTW if present, however, where the Mayor is absent the Councillor designated as the member responsible for acting in the place of the Mayor in accordance

s.97(1)(c)

s.145

with section 10 must take the Chair and call the meeting to order. The quorum of COTW is the majority of Council members.

40. Points of order at meetings

a) 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.

41. Conduct and debate

- The rules of procedure of the Council shall be observed in the COTW, so far as may be applicable, except that:
 - a member may speak any number of times on the same question; and
 - No member shall speak continuously for more than five (5) minutes to a question.

42. Voting at meetings

- Votes at a COTW meeting must be taken by a show of hands if requested by a member.
 - i) The presiding member must declare the results of voting.

43. Adjournment

 a) When all matters referred to COTW have been considered a motion to terminate and report to Council shall be adopted.

PART 8 -- COMMITTEES

44. Duties of standing committees

- <u>s. 141</u>
- Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - matters that are related to the general subject indicated by the name of the committee;
 - ii) matters that are assigned by Council;
 - iii) matters that are assigned by the Mayor.
- b) Standing committees report and make recommendations to Council through their minutes.

45. Duties of select committees



- Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- Select committees report and make recommendations to Council through their minutes.

46. Ratification of committee resolutions by Council

- a) All resolutions adopted by a Committee must be presented to Council for ratification except for the following:
 - i) Resolutions referring items to staff;
 - ii) Resolutions deferring an item;
 - iii) Resolutions receiving a report or information; and
 - iv) Defeated resolutions.

47. Notice of committee meetings

s.124(2)(d)

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

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



- a) Minutes of the proceedings of a committee must be:
 - i) legibly recorded,
 - ii) certified by the Corporate Officer or his/her designate and the presiding member, and
 - iii) open for public inspection in accordance with section 97(1)(c) of the Community Charter.

49. Quorum

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

Commented [PM5]: Note: Added new section to assist in moving COW matters forward in a timely manner.

50. Conduct and debate

- a) 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.
 - 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.

51. Voting at meetings

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

PART 9 - COMMISSIONS

52. Commission Meeting Conduct

a) The procedures for governing conduct of Commissions shall be set out within the Commissions establishing bylaw and shall reflect the Council Meeting Proceedings as noted in Part 4 of this Bylaw as amended from time to time.

PART 10 - GENERAL

53. Validity of the Bylaw

- a) 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.
- b) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the Community Charter.

54. Repeal

a) Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments is hereby repealed.

NOTICE OF INTENTION TO CONSIDER Council Procedures Bylaw No. 2015 WAS PUBLISHED IN THE Pique Newsmagazine on _____ and

AND IN THE Whistler Question on				
<u>-</u>				
READ A FIRST TIME this day of	of, 2015			
READ A SECOND TIME this da	ay of, 2015			
READ A THIRD TIME this	day of, 2015			
ADOPTED this day of	_, 2015			
Mike Richman Mayor	Sheena Fraser Corporate Officer			



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OPEN QUESTION PERIOD

THAT the following be the guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting.
- A maximum time of 15 minutes for questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates.
- 3) Only questions directly related to business discussed during the Council Meeting are allowed.
- 4) Questions may be asked of any Council Member.
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner.
- 6) Not more than two (2) separate subjects per questioner will be allowed.
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public.
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply.
- 9) More than one Councillor may reply if he/she feels there is something to contribute.
- 10) **NOTE:** The Open Question Period will not be held during the eight-week period immediately preceding the Municipal Election.

Approved by Council at Meeting No. 920 Held November 2, 1999.

Appendix C

Municipality	QP first	QP end	No QP	QP minuted	Title
Kaslo		Х		No	
RMOW	Χ			Yes - extensively	
Squamish		Х		yes - simple	
Bowen Island		Х		Yes - simple	
Highlands			Х	N/A	
Mission		Х		Yes - simple	
Nanaimo		Х		Yes - simple (topic, no responses)	
Port Alberni		X		No	
Rossland	Χ			Yes - extensively	Public Input
SLRD			Х	N/A	
Vernon			Х	N/A	
Lillooet		X		Yes - Simple (no topic, only # of speakers)	
Chase			Х	N/A	
Golden		Х		Yes - Simple (no topic, only # of speakers)	
Invermere		X		Yes - simple (topic, no responses)	
				Yes - Council passes resolution to receive public	
Valemount		Х		comments	Public Comment
Lion's Bay	Χ			Yes - extensively	Public Participation
Anmore		X		Yes- simple (topic, no responses)	
City of NV	Χ			Yes - simple (topic, no responses)	
District of NV	Х			Yes - simple (topic, no responses)	Public Input
Chetwynd		Х		No	
Lake Country	Χ			Yes	Public Comment
Spallumcheen		Х		Yes - Q and short answer	
Coldstream	Χ			Yes - Q/Comment & Answer	Public Opportunity to Address Council
					Public Comment at beginning and Question
Burns Lake	Χ	Χ		No	Period at End
Qualicum			Х	N/A	
Gibsons	Х	Х		Not minuted	Public Inquiries