

VILLAGE OF PEMBERTON COUNCIL PROCEDURE BYLAW NO. 788, 2015

**Fourth & Final Readings
July 7, 2015**



OFFICE CONSOLIDATION: November 5, 2020

This document is an office consolidation of the Village of Pemberton Council Procedure Bylaw No. 788, 2015 (adopted July 7, 2015) and subsequent amendments adopted by Village Council as noted on the next page.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Council Procedure Bylaw No. 788, 2015, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

List of Amending Bylaws

Bylaw No	Section Amendment	Council Meeting	Date
Village of Pemberton Council Amendment (Section 31) Bylaw No. 864, 2019	Section 31 – Reconsideration by Council Member	Regular Council Meeting No. 1494	June 11, 2019
Council Procedure Amendment (Electronic Participation) Bylaw No. 875, 2020	Section 10 – addition of sub-clause (h)	Special Council Meeting No. 1511	March 31, 2020
Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020	Sections 6, 13, 22, 26, 31 – numbering corrections Section 10 (h) – clarification that electronic participation deemed present Section 18 – Order of Proceedings Adjustment	Regular Council Meeting No. 1526	November 3, 2020

Village of Pemberton

BYLAW No. 788, 2015

A bylaw to repeal and replace the Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No. 737, 2013.

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. 788, 2015**”.

2. Table of Contents

The table of contents is for convenience of reference only, and is not for use in interpreting or enforcing this Bylaw.

3. 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 s. 141 and 142 of 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*];

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

“**Councillor**” means a member of a council other than the mayor;

“**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 or other advisory body on a topic specified on a Request to Appear as a Delegation Form;

“**Electronic Meeting**” means a meeting where all attendees participate electronically.

“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;

“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;

“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.;

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

4. Application of Rules of Procedure

- 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

5. Inaugural Meeting

- a) Following a general local election the first Council meeting must be held on the first Tuesday of November.
- 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.

6. Dates, Times and Locations of Meetings

- a) 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:
 - i) be held on Tuesdays the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year;
 - ii) 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 32; (section number correction Amended BL 888, 2020)
 - iii) notwithstanding clause (b) (i) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
- c) Regular Council meetings may:
 - i) be cancelled or postponed to a different day, time and place by Council by resolution, provided that two consecutive meetings are not cancelled; and
 - ii) 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:
 - i) be held on the same day as the Regular Council Meeting as established in section 6 (b) (i).

- 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;
 - 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 (2) or more members of Council may themselves call for a Special Meeting to be held within the next seven (7) days.

7. Notice of Regular Council Meetings

- 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.

8. Notice of Special Meetings

- 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:
 - i) 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.

- 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) (ii) will be signed by the Members calling the Meeting, or by the Corporate Officer in place of the Mayor.

9. 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).

10. Electronic Meeting Formats

a) Electronic Meetings

- i) Subject to Sections 128 to 128.2 of the *Community Charter*, regular council meetings, special council meetings and council committee meetings may be conducted by means of electronic or other communication facilities, if:
 - a. the Mayor, or in the absence of the Mayor, the Acting Mayor, determines it is advisable; or
 - b. based on an emergency, or health, safety, environmental or urgent Village business.
- ii) Advance notice of a meeting to be conducted pursuant to section 10 a) (i) will be provided advising that the meeting will be conducted by means of electronic or other communication facilities, as follows:
 - a. notice of the meeting will be provided, pursuant to the *Community Charter*; and at least 24 hours in advance of an electronic regular council meeting and in the notice required under Section 127(2) of the *Community Charter* in the case of an electronic special Council meeting;
 - b. the agenda cover sheet will include that the meeting is being held electronically; and
 - c. details will be included on the agenda cover sheet and on the Village's website with instructions to participate electronically or by telephone, and the

location for the public to attend to watch and hear the meeting.

- iii) For regular council meetings and special council meetings, the public may attend to watch and hear any part of the meeting that is open to the public at Council Chambers and with a municipal Officer in attendance.

b) Electronic Participation at Meetings

- i) Provided that all conditions set out in section 128.3 of the *Community Charter* are met, a member of council or of a council committee, who is unable to attend at any council or committee meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.
- ii) Where a meeting 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*.
- iii) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;

10. ~~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.~~
- ~~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.~~
- ~~c) In instances where the Mayor will participate in a meeting electronically, the Council member designated to act in place of the Mayor shall preside.~~
- ~~d) In absence of the Mayor and the Council member designated to act in the place of the Mayor the member present shall elect from among themselves a presiding member for that meeting;~~
- ~~e) 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*;~~

- ~~f) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;~~
- ~~g) Council members may not attend by electronic means more than a maximum of four (4) meetings as identified in this section per calendar year.~~
- h) Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, and are deemed to be present at the meeting (Amendment BL 888, 2020), so long as they comply with the remaining requirements of this Section. (Amendment Bylaw No. 875, 2020)

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

11. Appointment of Acting Mayor

- a) Annually by 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

12. Attendance of Public at Meetings

- a) Except where the provisions of section 90 of the *Community Charter* [*meetings that may or must be closed to the public*] apply, all Council meetings must be open to the public.

- 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* [requirements before Council meeting is closed].
- 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.
- 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).

13. Minutes of Meetings to Be Maintained and Available to Public

- 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;
 - ii) The names of the Presiding Member or members and record of the attendance of members;
 - iii) Motions of the meeting without note or comment.
- c) With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.
- d) Subject to section 13 (e) (**Amended BL 888,2020**), 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 13 (d) (Amended BL 888, 2020) 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*.

14. 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, and Council shall then determine by resolution which items are no longer confidential matters and announce the decisions at the next Regular Meeting of Council.

15. 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:
 - i) the Corporate Officer must call to order the members present, and
 - ii) the members present must choose a member to preside at the meeting.

16. Adjourning Meeting Where No Quorum

- 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:
 - i) record the names of the members present, and those absent, and

- ii) adjourn the meeting until the next scheduled meeting.

17. 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 Corporate Officer must make the agenda available to the members of Council on the Friday afternoon prior to the meeting.
- c) The Corporate Officer must make the agenda available to the members of the public no later than the Friday afternoon prior to the meeting.
- d) 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.
- e) 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.

18. 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 (**Amended BL 888, 2020**):
 - i) Call to Order
 - ii) Approval of Agenda
 - iii) Rise with Report from In Camera (Closed) [*If applicable*]
 - iv) Adoption of Minutes
 - v) Business Arising from the Minutes
 - (1) Regular Meeting
 - (2) Committee of the Whole
 - vi) Committee Minutes – for Information
 - vii) Delegations – requests to address Council
 - viii) Staff Reports

- ix) Bylaws
 - (1) First and second Reading
 - (2) First, Second and Third Reading
 - (3) Third Reading
 - (4) Adoption
 - x) Mayor's Report
 - xi) Councillor Reports
 - xii) Correspondence
 - (1) For action
 - (2) For information
 - xiii) Decision on Late Business
 - xiv) Late Business
 - xv) Notice of Motion
 - xvi) Question Period
 - xvii) 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.

19. 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.

20. 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.
- 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.

21. 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.

22. Voting at Meetings

- a) The following procedures apply to voting at Council meetings:
 - i) 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 22 (Amended BL888, 2020) (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.
 - iv) after the presiding member finally puts the question to a vote under section 22 (Amended BL 888, 2020) (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.

23. 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.
- b) Requests to appear as a delegation before Council 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 that will form part of the presentation must be provided at the time of the application.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.

- h) 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.
- i) 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.
- j) A delegate may not speak on an issue that is the subject of a staff report not yet presented to a Council meeting.

24. Points of Order

- 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
 - ii) 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:
 - i) the presiding member must cite the applicable rule or authority if requested by another Council member,
 - ii) 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.

25. 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.

- c) 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
 - v) 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:

- i) a member may speak more than once in connection with the same question only:
 - (1) with the permission of Council, or
 - (2) 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.

26. 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 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.
- c) A motion made under section 26 (**Amended BL888, 2020**) (b) (iii) to (vii) is not amendable or debatable.
- d) 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.

27. 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.

28. 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.

29. 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.

30. 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 approval or assent of the electors and been adopted,
 - ii) it has not already been reconsidered by Council; and
 - iii) it has not 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

31. Reconsideration by Council Member (Amendment Bylaw No. 864, 2019)

- a) Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;
 - i. to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - ii. to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.

- b) Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.
- c) A vote to reconsider must not be reconsidered.
- d) 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 subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or
 - iii. been acted on by an officer, employee or agent of the Municipality.
- e) A motion under subsection a) must be introduced in compliance with section 19 (Late Business).
- f) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.
- h) Bylaws or resolutions that are rejected after reconsideration under section 31 (Amended BL888, 2020) (a) 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.

32. Adjournment

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

PART 5 – BYLAWS

33. Copies of Proposed Bylaws to Council Members

- 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.

34. Form of Bylaws

- a) A bylaw introduced at a council meeting must:

- i) be printed;
- ii) have a distinguishing name;
- iii) have a distinguishing number;
- iv) contain an introductory state of purpose;
- v) be divided into sections.

35. Reading and Adopting Bylaws

- a) The presiding member of a Council meeting may:
 - i) have the Corporate Officer read a synopsis of each proposed bylaw, and then;
 - ii) request a motion that the proposed bylaw be read.
- b) The readings of the bylaw may be given by stating its title and object.
- c) 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)~~ **477(6)** or **480** of the *Local Government Act* [*Public Hearings*], as applicable, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

36. Bylaws Must Be Signed

- a) 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:
 - 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

37. Copies of Resolutions to Council Members

- 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)

38. Notice for COTW Meetings

- a) A notice of the day, hour and place of a COTW meeting must be given at least twenty-four (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.

39. Minutes of COTW Meetings to Be Maintained and Available to Public

- a) 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*.

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

41. 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.

42. Conduct and Debate

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

43. Voting at Meetings

- a) 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.

44. 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

45. Duties of Standing Committees

- a) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - i) 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.

46. Duties of Select Committees

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

47. 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.

48. Notice of Committee Meetings

- 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.

49. 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*.

50. Quorum

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

51. 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.
- b) 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.

52. 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

53. 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

54. 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*.

55. Repeal

- a) Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No.737, 2013, are hereby repealed.

NOTICE OF INTENTION TO CONSIDER Council Procedures Bylaw No. 788, 2015 **WAS PUBLISHED IN THE** Pique Newsmagazine **on June 4th** and **June 11th.**

READ A FIRST TIME this 16th day of June, 2015

READ A SECOND TIME this 16th day of June, 2015

READ A THIRD TIME this 16th day of June, 2015

ADOPTED this 7th day of July, 2015

Mike Richman
Mayor

Sheena Fraser
Corporate Officer