



RESORT MUNICIPALITY OF WHISTLER

**CONSOLIDATED “COUNCIL PROCEDURE BYLAW NO. 2207, 2018”**

**This document has been produced for convenience of reference and is a consolidation of the following bylaws:**

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Date Adopted</b>
2207	Council Procedure Bylaw No. 2207, 2018	2018-10-18
2300	Council Procedure Amendment Bylaw (COTW Chair) No. 2300, 2020	2020-11-17
2334	Council Procedure Amendment Bylaw (Electronic Meetings) No. 2334, 2021	2021-10-05

**Individual copies of any of the above bylaws are available from the Resort Municipality of Whistler.**

This copy of “Council Procedure Bylaw No. 2207, 2018” has been consolidated and printed by the authority of the Corporate Officer of the Resort Municipality of Whistler pursuant to Section 139 of the *Community Charter* and “Bylaw Consolidation and Revision Bylaw No. 1957, 2010”.

Dated this 7th day of October, 2022.

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**RESORT MUNICIPALITY OF WHISTLER**

**COUNCIL PROCEDURE BYLAW NO. 2207, 2018**

**A BYLAW TO GOVERN MEETINGS OF THE COUNCIL OF THE RESORT MUNICIPALITY OF WHISTLER AND ITS COMMITTEES**

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## RESORT MUNICIPALITY OF WHISTLER

### COUNCIL PROCEDURE BYLAW NO. 2207, 2018

#### A BYLAW TO GOVERN MEETINGS OF THE COUNCIL OF THE RESORT MUNICIPALITY OF WHISTLER AND ITS COMMITTEES

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**WHEREAS** the Council of the Resort Municipality of Whistler 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 the *Community Charter*;

**NOW THEREFORE** the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### 1. PART 1 – INTRODUCTION

##### 1.1. Title

This Bylaw may be cited as the “Council Procedure Bylaw No. 2207, 2018”.

##### 1.2. Application of the Rules of Procedure

- a) The provisions of this Bylaw govern the proceedings of Council and all standing, select and other committees of Council, as applicable.
- b) In cases not provided for within this Bylaw, the most recent edition of Robert’s Rules of Order apply to all Council proceedings, including committees where applicable and where not inconsistent with the provisions of this Bylaw and the *Community Charter* and any other applicable presiding act or legislation.

##### 1.3. Definitions

In this Bylaw:

- a) “Chair” means the Mayor, Acting Mayor, or other Member, who is chairing a meeting;
- b) “Corporate Officer” means the Municipal Clerk of the Resort Municipality of Whistler or a person designated by Council to act in the place of the Corporate Officer;
- c) “Council” means the Council of the Resort Municipality of Whistler;
- d) “Council Chambers” means the regular meeting places of Council at the Franz Wilhelmsen Theatre at the Maury Young Arts Centre, the Flute Room at Municipal Hall or the Longhouse at the Squamish Lil’wat Cultural Centre;
- e) “Councillor” means a Member of Council other than the Mayor;
- f) “Electronic Meeting” means a meeting where all attendees participate electronically;
- g) “Mayor” means the Mayor of the Resort Municipality of Whistler;
- h) “Member” in the case of Council means the Mayor or a Councillor and, in the case of a committee, means a person appointed as a Member of that committee;

Amended by Bylaw  
No. 2334

Added by Bylaw  
No. 2334

- i) "Municipal Hall" means the Resort Municipality of Whistler Municipal Hall located at 4325 Blackcomb Way, Whistler, British Columbia, V8E 0X5;
- j) "Municipality" means the Resort Municipality of Whistler; and
- k) "Public Notice Posting Places" means the external bulletin boards at the east and south entrances to Municipal Hall, and on the Municipality's website unless, having made reasonable efforts, the Corporate Officer is unable to effect such posting to the website.

## **2. PART 2 – COUNCIL MEETINGS**

### **2.1. Inaugural Council Meeting**

- a) Following a general local election, an inaugural Council meeting must be held on the first Tuesday in 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 subsection a), the inaugural Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

### **2.2. Time and Location of Regular Council Meetings**

Regular meetings of Council will:

- a) be held on the first and third Tuesdays of each month, unless the Tuesday falls after a statutory holiday, in which case the meetings will be held on the second and fourth Tuesdays of each month, and except for August where only one meeting will be held, unless otherwise resolved by Council;
- b) be held in Council Chambers unless otherwise resolved by Council;
- c) commence at 5:30 p.m.;
- d) if a public hearing is necessary, be recessed at 6:00 p.m. when the public hearing commences, and continue immediately after the close of the public hearing;
- e) terminate at 11:30 p.m. on the day scheduled for the meeting unless Council, by a unanimous vote, resolves to proceed beyond that time; and
- f) at other times in accordance with the notice of a meeting as may be set out in:
  - i. a resolution passed at a meeting of the Council that a meeting will be held at a place and at a time specified in the resolution; or,
  - ii. a notice made pursuant to section 126 of the *Community Charter [Calling of special council meetings]* that a meeting is to be held at the place and at the time specified in the notice.

### **2.3. Cancellation of Meetings**

Regular Council meetings may:

- a) be cancelled by the Mayor or by a resolution of Council; and
- b) be postponed to a different date, time and place by the Mayor.

### **2.4. Regular Council Meeting Schedule**

- a) In accordance with section 127 of the *Community Charter [Notice of council meetings]*, Council must establish annually, by January 1, 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 and publishing it in the newspaper in accordance with section 94 of the *Community Charter [Requirements for public notice]*.
- b) If revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places and publish it in the newspaper in accordance with the *Community Charter* to indicate any revisions to the date, time, and place, or cancellation of a regular Council meeting.

#### **2.5. Notice of Regular Council Meetings**

- a) The Corporate Officer must post notice at the Public Notice Posting Places at least three days before the date of the regular Council meeting.
- b) If the agenda for the meeting contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under the *Community Charter* on which all or part of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which all or part of the meeting is to be closed.

#### **2.6. Notice of Special Council Meetings**

- a) A special meeting may be called in compliance with section 126 of the *Community Charter [Calling of special council meetings]*.
- b) Except where notice of a special meeting is waived by unanimous vote of all Council Members, a notice of the date, time and place of a special Council meeting 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. delivering a copy of the notice to each Council Member.
- c) The notice under subsection b) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.
- d) The Corporate Officer must prepare the public notice and an agenda for each special meeting which must state the nature of each item of business to be dealt with at the special meeting.
- e) If the agenda contains a proposed resolution to close all or part of the meeting to the public, the notice must state the basis under the *Community Charter* on which all or part of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which all or part of the meeting is to be closed.

#### **2.7. Annual Meeting**

The Corporate Officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider:

- a) the annual report prepared under section 98 of the *Community Charter [Annual municipal report]*; and
- b) submissions and questions from the public;



by giving public notice by:

- c) posting notice of the date, time and place of the annual meeting at the Public Notice Posting Places; and
- d) publishing notice in the newspaper in accordance with section 94 of the *Community Charter [Requirements for public notice]*.

## 2.8. Electronic Meetings

- a) A regular or special Council meeting or other Council committee meeting may be conducted by electronic means.
- b) Electronic meetings will follow the rules established by the *Community Charter* and Council policies pertaining to electronic meetings.
- c) Advance public notice of meetings that are open to the public, will be posted in the public notice posting places according to the procedures established in this bylaw for giving notice, and will include:
  - i. the way in which the electronic meeting will be conducted, and
  - ii. the place where the public may attend to hear, or watch and hear, the proceedings.

## 2.9. Absence from Council Meetings

In accordance with section 125 of the *Community Charter [Council meetings]*, a Council Member is disqualified from holding office until the next general local election, if a Member is absent from Council meetings for:

- a) a period of 60 consecutive days; or
- b) four consecutive regularly scheduled Council meetings;

whichever is the longer time period, subject to absence due to illness or injury or absence with the leave of the Council.

## 3. PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

### 3.1. Designation of Member to Act in Place of Mayor

- a) Annually, by January 1, the Council must, from among its Members, designate Councillors to serve on a rotating basis to act in the place of the Mayor (Acting Mayor) when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- b) Each Councillor so designated must fulfill the responsibilities of the Mayor in his or her absence.
- c) If both the Mayor and the Member designated as Acting Mayor are absent from the Council meeting, the Council Members present must choose, by an affirmative vote of the majority of the Council Members present, a Councillor to preside at the Council meeting.
- d) The Councillor designated under subsection a) or chosen under subsection c)

has the same powers and duties as the Mayor in relation to the applicable matter.

#### **4. PART 4 – COUNCIL PROCEEDINGS**

##### **4.1. Minutes**

- a) The minutes of the meetings of Council must legibly record:
  - i. the place, date and time of meeting;
  - ii. the name of the Mayor, Councillors and staff in attendance;
  - iii. the adoption and correction, if necessary, of the minutes of prior regular or special meetings, as the case may be;
  - iv. the names of movers and seconders of motions; and
  - v. the status of motions.
- b) The minutes of the meetings of Council must be:
  - i. certified as correct by the Corporate Officer; and
  - ii. signed by the Mayor or other Member presiding at the meeting.
- c) The minutes of meetings of Council must not record withdrawn motions.
- d) When a Member leaves the Council meeting place during a meeting, the Member's absence will be recorded in the minutes for the period the Member is absent from the meeting place.
- e) Minutes of Council meetings and Council committee meetings must be open for public inspection at Municipal Hall during its regular office hours.
- f) Subsection e) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded.

##### **4.2. Calling Meeting to Order**

- a) As soon after the time specified for a Council meeting, if there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order. If the Mayor is absent, the Council Member designated as Acting Mayor in accordance with Part 3 of this Bylaw must take the Chair and call the meeting to order.
- b) If a quorum of Council is present, but neither the Mayor nor the Acting Mayor is present within 30 minutes of the time specified for the Council meeting:
  - i. the Corporate Officer shall call the meeting to order; and
  - ii. by resolution the Council must appoint a Councillor as Chair for that meeting until the Mayor or Acting Mayor arrives.
- c) The acting Chair of a meeting has the powers and duties of the Mayor in respect of that meeting.

##### **4.3. Terminating Meeting Where No Quorum**

- a) If there is no quorum within 30 minutes of the scheduled time of the Council meeting, the Corporate Officer must:
  - i. record the names of the Members present and those absent; and

- ii. terminate the meeting until the next scheduled meeting.

#### **4.4. Mayor or Acting Mayor Arrives After Commencement**

- a) If the Mayor arrives after commencement of a meeting, he or she will preside upon arrival.
- b) Subject to subsection a), if the Acting Mayor arrives after commencement of a meeting referred to in subsection 4.2. b) he or she will preside upon arrival.

#### **4.5. Duties of the Chair**

The Chair must:

- a) preserve order and decide points of order that may arise in accordance with the *Community Charter*;
- b) announce the business before Council in the order in which it is to be acted on;
- c) receive and submit, in proper manner, all motions presented by Members;
- d) decline to put to vote motions which infringe on the rules of procedure;
- e) inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- f) ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council;
- g) close the meeting when the business is concluded; and
- h) terminate the meeting without question put in the case of grave disorder arising in Council Chambers.

#### **4.6. Order of Business at Council Meetings**

- a) Unless the Council otherwise resolves, the agenda for all regular Council meetings will contain the following matters:
  - i. Call to order;
  - ii. Adoption of agenda;
  - iii. Adoption of minutes;
  - iv. Presentations and delegations;
  - v. Public question and answer period;
  - vi. Mayor's report;
  - vii. Information reports;
  - viii. Administrative reports;
  - ix. Minutes of committees;
  - x. Bylaws for readings;
  - xi. Bylaws for adoption;
  - xii. Other business;
  - xiii. Correspondence; and
  - xiv. Termination.

- b) When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may, in their discretion:
  - i. vary the order set out in subsection a); and
  - ii. delete agenda headings if there is no business under those items.

#### **4.7. Agenda**

- a) The Corporate Officer and the Chief Administrative Officer, in consultation with the Mayor, shall prepare an agenda setting out all the items for consideration at that meeting.
- b) At least three days before the day of the meeting, the Corporate Officer shall give public notice of the time, place and date of the meeting by:
  - i. delivering a copy of the agenda to each Member at the place to which the Member has directed notices to be sent;
  - ii. posting a copy of the agenda at the Public Notice Posting Places; and
  - iii. leaving copies of the agenda at the reception counter at Municipal Hall for the purpose of making them available for the public.
- c) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as an item pursuant to section 4.8. *[Addition of Agenda Items]*.

#### **4.8. Addition of Agenda Items**

- a) Any Member may in a meeting, without notice, request the addition of an item of business not on the agenda which the Member deems to be urgent.
- b) The Mayor will, at the time the Council considers approval of the posted agenda, query whether any Member of Council wishes to add an item of business. The Member must make the request at the time the Council considers approval of the posted agenda.
- c) The Member must, when making the request, inform the Council of the general nature of the business and the reason for urgent consideration.
- d) The Mayor must immediately call a vote on the request, which must be granted if a majority of the Council Members present vote in the affirmative.
- e) If the request is approved the item of business must be placed on the agenda under Other Business, at which time the Member must present any supporting information on which the Member intends to rely.
- f) In the case of a meeting or portion of a meeting from which the public is excluded, subsections a) through e) apply after the Council has passed the resolution under section 92 of the *Community Charter [Requirements before meeting is closed]*.
- g) In the case of a special Council meeting, an additional agenda item may only be added to the agenda if all Council Members are in attendance and unanimously agree to the addition of the agenda item.

#### **4.9. Delegations**

- a) Any person, persons or organization desiring to present to Council at a regular Council meeting must submit a written request to the Corporate Officer who will

schedule delegations on a regular Council meeting agenda in accordance with this Bylaw.

- b) Delegation requests must provide the following:
  - i. a cover letter addressed to the Corporate Officer with a detailed synopsis of the presentation;
  - ii. names and contact information of the person(s) comprising the delegation; and
  - iii. all presentation materials.
- c) Delegations will be scheduled on a first come, first served basis subject to direction from the Chief Administrative Officer where a delegation appearance is deemed to be a priority.
- d) The Corporate Officer may seek direction from the Chief Administrative Officer where a delegation application appears to be suspect, regards an offensive subject, or is vexatious.
- e) The Chief Administrative Officer may reject a delegation application.
- f) Delegations will be printed on the agenda to provide basic information on the nature of the delegation and the names of presenters.
- g) The Corporate Officer shall advise the requester of the meeting date at which the delegation may appear.
- h) The maximum time permitted for any one delegation is five minutes. Upon the consent of Council a delegation may be permitted a longer time.
- i) A maximum of five delegations may be received at any regular Council meeting.
- j) Council Members shall not respond to requests or questions from a delegation nor engage in debate except to ask clarifying questions or to correct incorrect information.
- k) Following a delegation Council may refer the issue to staff for a report or refer the issue to a committee.
- l) Council must not permit a delegation to address:
  - i. a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to adoption of the bylaw;
  - ii. an issue which is before the courts or on which Council has authorized legal action;
  - iii. a request for funding; or
  - iv. a purpose or subject that is beyond the jurisdiction of Council; except as otherwise permitted by Council.

#### **4.10. Correspondence**

Every communication presented to Council must be:

- a) addressed to Mayor and Council;

- b) legibly written or printed;
- c) contain a mailing address and the author's name; and
- d) be received by the Corporate Officer by 12 noon on the Wednesday prior to each Council meeting.

## **Voting**

### **4.11. Distinct Part of a Motion**

If requested by a Member, Council must vote separately on each distinct part of a motion that is under consideration.

### **4.12. Recording of Votes**

The following applies to the recording of votes:

- a) The Corporate Officer must, if requested, record in the minutes for the meeting the name of each Member of Council present and the way in which each Member voted on the question.
- b) A Member may require his or her vote on any question to be recorded by the Corporate Officer.
- c) The Corporate Officer must record in the minutes of a meeting the name of any Member who voted in the negative on any question.
- d) Unless excused as a result of not being entitled to vote under the *Community Charter*, no Member may leave a meeting once a vote on a matter has been called.

### **4.13. Effect of Abstention from Voting and Tie Vote**

- a) Any Member present who does not indicate his or her objection shall be deemed to have voted in the affirmative on the question.
- b) If the votes of the Members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

## **Conduct and Debate**

### **4.14. Points of Order**

- a) Without limiting the presiding Member's duty under the *Community Charter*, a Member may raise a point of order at any time.
- b) When a point of order is raised, the Chair must:
  - i. interrupt a matter of consideration on the agenda;
  - ii. interrupt a Member who had been speaking, until the point of order is ruled upon;
  - iii. ask the Member raising the point of order to state the substance of and the basis for the point of order;
  - iv. state the provision of the bylaw or other rule of order applicable to the point

of order, which the Chair must do at once without debate.

- c) If the ruling of the Chair is challenged, the Chair must put the challenge to a vote.
- d) If a Member puts a question to the Chair regarding any matter connected to the affairs of the Council or the Municipality, the Chair may respond, or may:
  - i. require the Member to put the question in writing, and
  - ii. may take the question on notice and respond during the next regular Council meeting.

#### **4.15. Council Members**

- a) A Member may speak to a question or motion at a Council meeting only if that Member first addresses the presiding Member.
- b) No Member may speak in a meeting until the Chair has recognized the Member.
- c) If two or more Members wish to speak at the same time the Chair may designate the order in which each is to speak.
- d) The Mayor may speak at a meeting at any time without leave, but may not interrupt a Member except to restore order.
- e) If a Councillor wishes to speak at the same time the Mayor begins to speak, the Mayor may speak first.
- f) Members must address the presiding Member by that person's title of Mayor, Acting Mayor or Councillor.
- g) Members must address other non-presiding Members by the title Councillor.
- h) No Member may interrupt a Member who is speaking except to raise a point of order.
- i) When the Chair is of the opinion that there has been sufficient debate he or she may put the question.
- j) Members who are called to order by the Chair:
  - 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 the *Community Charter*.

#### **4.16. Members Speaking at a Council Meeting**

Except as otherwise unanimously resolved by the Council Members present and voting, a Member may:

- a) speak only to an item of business on the agenda called for consideration by the Chair;
- b) before a motion dealing with the substance of the item has been moved and seconded, ask questions pertinent to the item;
- c) not speak to an item on the agenda until a motion dealing with the substance of the item has been moved and seconded;

- d) not speak to a matter already disposed of by the Council except on a motion for reconsideration in accordance with section 4.31. [*Reconsideration by a Council Member*];
- e) not speak when called to order by the Chair until the point of order has been resolved.

#### **4.17. Improper Conduct**

- a) No Member or person attending the meeting may interrupt a Member who is speaking, except that a Councillor may raise a point of order or question of privilege.
- b) No Member or person attending the meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- c) Member or person permitted or invited to speak on any matter coming before the Council or a committee may use rude or offensive language or, by the tone of manner of speaking, express any point of view or opinion or make any allegation which, directly or indirectly, reflects negatively upon the public conduct or private character of any person.
- d) Improper conduct includes conduct of any Member or other person attending a meeting which, in the opinion of the Chair, is contrary to subsections a) through c).
- e) Improper conduct will be dealt with by the Chair, including the option of expulsion from the meeting in accordance with the *Community Charter*.

#### **4.18. Privilege**

- a) A question of privilege refers to a matter of the comfort, convenience or privilege of the Council or of a Member.
- b) A question of privilege must be immediately considered when it arises at a Council meeting.
- c)

### **Motions**

#### **4.19. Motions Generally**

- a) Motions must be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- b) Council may debate and vote on a motion only if it is first moved by any Council Member (including the Mayor) and seconded by another.
- c) If a motion is under consideration, no other motion may be received except a motion to:
  - i. adjourn or terminate;
  - ii. raise a question of privilege or point of order;
  - iii. table;
  - iv. call the question;
  - v. refer the question;



- vi. postpone the question indefinitely;
- vii. postpone the question for a specific time; and
- viii. amend.

#### **4.20. Inadmissible Motion**

- a) If the Chair considers that a motion is contrary to a bylaw, the *Community Charter* or the *Local Government Act*, or is inadmissible, the Chair must immediately inform the Council and may refuse to permit debate on the motion and to put the question to a vote.
- b) The Chair must immediately give reasons for any such refusal.

#### **4.21. Recording of Motions**

The Corporate Officer must record in the minutes the text of every motion.

#### **4.22. Reading of Motions**

After a motion has been moved and seconded, the Corporate Officer, if so requested by a Member, must read the motion aloud to the meeting before the motion is debated or put to the vote by the Mayor.

#### **4.23. Referral of Motions**

The question of referral, until it is decided, shall preclude all amendments to the main question.

#### **4.24. Withdrawal of Motions**

A motion may not be withdrawn after:

- a) it has been moved and seconded;
- b) it has been voted on by the Council; or
- c) it has been read to the meeting; unless the Council otherwise resolves.

#### **4.25. Amendment of Motions**

- a) A motion to amend a main motion must be relevant to that motion and must be moved and seconded. An amendment may propose removing, substituting, or adding words to an original motion.
- b) A Member may move to amend a motion being considered by the Council, but that Member may not move any further amendments to that motion until the first proposed amendment is addressed.
- c) A Member may move to amend an amendment already moved and seconded.
- d) An amendment may be amended once only.
- e) Amendments shall be voted on in the reverse order to that in which they are moved.
- f) A sub-amendment may be proposed to an amendment under the same conditions as an amendment that is moved and seconded to a main motion. At no time may there be more than one main motion, one amendment, and one sub-amendment on the floor. When all three exist the Chair submits them in reverse order to which they were moved and seconded.

- g) An amendment or sub-amendment takes precedence over the main motion and becomes the subject of debate. The amendment or sub-amendment must be accepted or rejected before debate reverts to the main motion. If the sub-amendment is accepted, the amendment motion as amended is debated. If the amendment is accepted, the main motion as amended is debated. If it fails, the main motion is unchanged.

#### **4.26. Effect of Motion to Amend**

- a) If a motion to amend is:
  - i. carried, the motion which has been amended is to be voted on as amended; or
  - ii. defeated, the motion in respect of which the amendment was moved is to be voted on unamended.
- b) A motion to amend must either be withdrawn or voted on before the motion which would be amended may be voted on.
- c) A motion, once defeated, cannot be introduced as an amendment to some other motion.
- d) The mover, with the consent of the seconder, may incorporate a friendly amendment into the main motion if the mover and seconder of the amendment are agreeable.

#### **4.27. Question to be Put After Debate**

The Chair must put every question to a vote immediately after debate on that question is closed.

#### **4.28. Procedure if Proponent Absent**

The Council may not proceed with any item of business on the agenda in the absence of the Member at whose request the item was placed on the agenda, unless the:

- a) written consent of the absent Member is presented to the Chair of the meeting; or
- b) Council resolves to proceed with that item of business despite the absence of that Member.

#### **4.29. Resolutions and Bylaws**

Resolutions, the reading of bylaws and the adoption of bylaws must be dealt with on a motion put by a Member and seconded by another Member.

#### **4.30. 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 defeated, the Council may again debate the question or proceed to other business.

#### **4.31. Reconsideration by a Council Member**

- a) Subject to subsection d) a Member who voted with the majority either for or against a motion may, at any time within one month of the vote, introduce a motion to reconsider the resolution, motion or proceeding, including the defeat of a motion.
- 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 4.8. *[Addition of Agenda Items]*.
- 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 substantively different motion.

#### **4.32. Termination**

A motion to terminate is always in order, but no second motion to the same effect may be made without dealing with another matter or within 10 minutes, whichever is the lesser.

### **5. PART 5 – BYLAWS**

#### **5.1. Copies of Proposed Bylaws to Council Members**

Unless the Council otherwise resolves, the Council may not consider a proposed bylaw unless the Corporate Officer has given a copy of it to each Member, and it is on the agenda for the meeting.

#### **5.2. Form of Bylaws**

A bylaw introduced at a Council meeting must:

- a) be printed;
- b) have a distinguishing name and number;
- c) contain an introductory statement of purpose; and
- d) be divided into sections.

#### **5.3. Introducing, Reading and Adopting Bylaws**

- a) The readings of a bylaw may be given in a short form by title or by reference to the bylaw number, provided a copy of the bylaw has been included in the agenda.
- b) Council has adopted a bylaw when all approvals and procedures required by

statute prior to adoption have been followed and Council has given the following three readings to the bylaw:

- i. first reading, which is by title only;
  - ii. second reading, which is by title only unless Council resolves to have a proposed bylaw read aloud in whole or in part;
  - iii. third reading, which is by title only; and
  - iv. adoption.
- c) Subject to this Bylaw and any enactments, Council may give a bylaw first, second and third reading at the same meeting, by one motion for all three readings, unless otherwise determined by Council.
  - d) Council may postpone consideration of a bylaw following a vote on any reading.

#### **5.4. Bylaw Amendments**

- a) A Member may only propose an amendment to a bylaw when such bylaw is on the floor for either first, second or third reading, but may not do so, subject to subsection b), when such bylaw is on the floor for adoption.
- b) In order to proceed with an amendment to a bylaw which has received first, second and third readings, but which has not yet been adopted, the rescission of the third reading of such bylaw is required.

#### **5.5. Reconsideration of Part or All of a Bylaw**

Subject to applicable enactments, the Council may by resolution, rescind the most recent reading of a proposed bylaw, other than first reading, and then give the proposed bylaw that reading with or without amendment.

#### **5.6. Description of Steps in Every Bylaw**

- a) On the last page of every bylaw that is enacted by the Council, the Corporate Officer must set out the dates on which the readings and the adoption of the bylaw occurred.
- b) The last page of every bylaw that is enacted by Council must also include the dates on which all approvals, procedures and other requirements imposed by statute were obtained, followed or fulfilled, including:
  - i. a provincial entity or official;
  - ii. the assent of the electors;
  - iii. alternative approval process;
  - iv. a 2/3 majority vote or unanimous vote of the Council, as the case may be;
  - v. a public hearing;
  - vi. a publication of the proposed bylaw;
  - vii. registration of the bylaw in the Land Title Office (Land Title and Survey Authority of British Columbia), as applicable;
  - viii. receipt by the Council of a petition for the bylaw;
  - ix. proceeding by way of initiative; or

- x. publication of any legally required notice of intention to seek assent to the bylaw.

### **5.7. Bylaws Must be Signed**

After a bylaw is adopted, and signed by the Corporate Officer and the presiding Member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the Municipality's records for safekeeping.

## **6. PART 6 – COMMITTEE OF THE WHOLE**

### **6.1. General Provisions**

- a) A Committee of the Whole is a committee of which the Mayor and all Councillors are Members. All Members of the Committee must be Council Members.
- b) Committee of the Whole meetings will be held in Council Chambers unless otherwise resolved by Council.

### **6.2. Meeting Date and Time**

- a) The Committee of the Whole shall hold regular meetings at 2:00 p.m. on the first and third Tuesdays of each month, unless the Tuesday falls after a statutory holiday, in which case the meetings will be held on the second and fourth Tuesdays of each month, and except for August where only one meeting will be held, unless otherwise resolved by Council;
- b) Annually Council must make available to the public a schedule of the dates, times, and places of regular Committee of the Whole meetings in the same manner as is required for regular Council meetings. The Committee of the Whole meeting schedule may be combined and made available with the annual notice of regular Council meetings.
- c) A special meeting of the Committee of the Whole may be called in the same manner as for a special Council meeting as provided for in the *Community Charter* and notice for this special committee meeting must be given in the same manner as for a special Council meeting.

### **6.3. Quorum and Chair**

- a)
  - i. The Mayor may preside in a Committee of the Whole meeting as the Chair;
  - ii. the Mayor may appoint the Acting Mayor or another Member to preside as the Chair of a Committee of the Whole meeting, even if the Mayor is present; and
  - iii. if the Mayor is absent, the Acting Mayor must preside in the meeting as the Chair, unless another Member is appointed to chair the meeting.
- b) A quorum of the Committee of the Whole is four Members (a majority of all Council Members).

### **6.4. Proceedings at Committee of the Whole Meetings**

- a) The rules of Council procedure must be observed in a Committee of the Whole meeting so far as applicable, except that:

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- b) No decision may be made or motion passed at Committee of the Whole meetings other than a motion:
  - i. requesting staff to review and report back with a recommendation at a future Council meeting; or
  - ii. to terminate.

#### **6.5. Agenda, Agenda Items and Order of Business**

- a) The availability of the agenda for Committee of the Whole meetings shall be the same as for regular Council meetings.
- b) Agenda items shall be determined by the Mayor and Chief Administrative Officer with direction provided to the Corporate Officer to assemble and provide the agenda as so ordered.
- c) The order of business for a Committee of the Whole meeting shall be as follows:
  - i. Call to order;
  - ii. Approval of the agenda;
  - iii. Approval of minutes;
  - iv. Presentations from staff;
  - v. Council discussion and questions; and
  - vi. Termination.

#### **6.6. Minutes of Committee of the Whole Meetings**

Minutes of the meetings must be:

- a) legibly recorded;
- b) certified by the Chair and Corporate Officer; and
- c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter* [Other records to which public access must be provided].

### **7. PART 7 – COMMITTEES**

#### **7.1. Creating Select or Standing Committees of Council**

Council may create select committees and the Mayor may appoint standing committees as set out in the *Community Charter*.

#### **7.2. Committee Meeting Procedures**

Council meeting procedures stipulated by this Bylaw apply to every select or standing committee of Council, with the exception that advisory groups are not required to give public notice of meetings.

#### **7.3. Reporting to Council by Committees**

- a) Committees report to Council through their minutes.
- b) The proceedings of a committee are subject to approval of Council.

### **8. PART 8 – GENERAL**

**8.1. Irregularity**

The failure of Council to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

**8.2. Severability**

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, that portion of the Bylaw will be severed and such decision will not affect the validity of the remaining content of this Bylaw.

**8.3. Notice Requirements**

This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with the *Community Charter*.

**8.4. Repeal**

“Council Procedure Bylaw No. 1659, 2004” is hereby repealed.

**8.5. Effective Date**

This Bylaw comes into force on the day it is adopted.

**8.6. Title**

This Bylaw may be cited for all purposes as the “Council Procedure Bylaw No. 2207, 2018”.

GIVEN FIRST, SECOND and THIRD READINGS on the 2nd day of October, 2018.

NOTICE given in accordance with sections 94 and 124(3) of the *Community Charter* by way of posting notices at the Public Notice Posting Places and by publication in the Pique Newsmagazine on October 4 and 11, 2018.

ADOPTED on the 16th day of October, 2018.

\_\_\_\_\_  
Jack Crompton,  
Mayor

\_\_\_\_\_  
Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of “Council Procedure Bylaw No. 2207, 2018”.

\_\_\_\_\_