



## REQUEST FOR DECISION

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**TO:** Committee of the Whole

**REPORT DATE:** July 12, 2018

**TARGET DECISION DATE:** July 18, 2018

**FROM:** Corporate Officer

**RE:** Council Procedure Bylaw No. 568, 2018

**FILE NO:** 3900-20-568, 2018

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### RECOMMENDATION

1. That the report from the Corporate Officer dated July 12, 2018 regarding proposed Council Procedure Bylaw No. 568, 2018, be received.
2. That the Minutes of the February 7, 2018 Committee of the Whole meeting, be received.
2. That Council proceed with giving first, second and third reading to Council Procedure Bylaw No. 568, 2018.

### PURPOSE

To consider giving three readings to proposed Council Procedure Bylaw No. 568, 2018.

### OPTIONS

1. Give first, second and third reading to Bylaw No. 568, 2018.
2. Direct that amendments be made to the Bylaw before giving readings.
3. Defer pending some other action.

### DISCUSSION

#### Context/Background

Council's current Procedure Bylaw No. 521, 2012 was considered at a Committee of the Whole (COW) meeting held on February 7, 2018. Staff was subsequently directed to prepare a new Procedure Bylaw based on that review and discussion. The Minutes of the February 7, 2018 COW meeting are attached for reference.

Accordingly, attached is proposed Council Procedure Bylaw No. 568, 2018 in a format that tracks all changes made to the current Council procedure bylaw. The more significant changes include:

1. **Section 2 - Definitions**

Some definitions have been deleted that are adequately defined in the *Community Charter*.

2. **Section 3 - Application of Rules of Procedure**

Robert's Rules of Order will apply to proceedings of Council, rather than Bourinot's Rules of Order.

3. **Section 5 - Time and Location of meetings**

Reference to Committee of the Whole Meetings has been deleted and added to section 6 *Notice of Council Meetings*.

4. **Section 6 - Annual Meeting**

This section has been deleted per Council direction at February 7, 2018 COW meeting.

6. **(new) Section 6 - Notice of Council Meetings and  
Section 7 - Notice of Special Meetings**

Sections 6(1) has been amended to reflect current practice. Section 7(1) has been moved from the "old" section 9 and section 9 deleted.

7. **Section 8 – Electronic Meetings**

Title has been amended.

8. **Section 9 – Meeting Etiquette**

This section has been amended based on COW direction that devices shouldn't disrupt meetings and to include conduct expectation for public gallery attendees

8. **Section 10 - Designation of Member to Act in Place of Mayor**

Reference to a specific month is deleted per COW direction.

9. **Section 11 – Attendance of public at meetings**

Section 11(3)(e) has been amended for clarity and 11(4) to update section references.

10. **Section 12 – Live Streaming**

Section 12(6) has been added to reflect the following Council resolution from the December 6, 2017 Regular Meeting:

*Be it resolved that Sechelt Council direct staff to videotape Committee Meetings as they do for Regular Council Meetings, and post them on the District of Sechelt YouTube channel as of the beginning of January 2018.*

Other minor amendments have been made per COW meeting direction.

11. **Section 15 – Agenda**

Section 15(2) has been added based on direction from February 7 COW meeting. Section 15(5) is amended to reflect recent direction from Council regarding “late agenda items”. Other minor amendments were identified at February COW meeting.

12. **Section 16 – Order of proceedings and business**

Sections have been amended to reflect current practice followed for agenda order.

13. **Section 18 - Delegations**

Section 18(1) has been amended in the following three ways:

- establishes that the presiding member shall review delegation requests as part of agenda review process;
- adds a procedure to cover situations where a delegation has submitted extensive materials in support of their presentation to Council. It clarifies that such materials will be accepted electronically only; and
- allows for delegations to participate at meetings “electronically” at the discretion of the presiding member.

14. **Section 21 – Motions Generally**

Section 21(1) has been amended to address previous COW direction that a provision should be included to address situations where an item may be considered before a motion (resolution) is on the floor.

Section 21(3)(a) has been amended to provide clarity.

**Strategic Plan**

Goat # 1 – Effective Governance

**Policy Implications**

This item is in keeping with the *Community Charter*

**Financial Implications**

None

**Communications**

The *Community Charter* requires that Council’s Procedure Bylaw “must not be amended, or repealed and substituted”, unless notice is first given (once each week for two consecutive weeks in local newspaper) describing the proposed changes in general

terms” Once Council gives three readings to a revised Procedure Bylaw, Public Notice will be published prior to the Bylaw being brought back for Council’s consideration of adoption.

Respectfully submitted,

Jo-Anne Frank  
Corporate Officer

Attachments: 1. Proposed Bylaw No. 568, 2018, with track changes  
2. Minutes of Committee of the Whole meeting held on February 7, 2018

DISTRICT OF SECHELT  
Council Procedure Bylaw No. 568, 2018

(INSERT TABLE OF CONTENTS)

DISTRICT OF SECHELT

Council Procedure Bylaw No. 568, 2018

A bylaw to provide for the procedures of  
Council and Committee meetings

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**WHEREAS** ~~the~~s. 124 of the *Community Charter, SBC 2003, c. 26* provides that a council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

**NOW THEREFORE**, the Council of the District of Sechelt in open meeting assembled enacts as follows:

**PART 1 – INTRODUCTION**

**Title**

1. This Bylaw may be cited for all purposes as the “District of Sechelt Council Procedure Bylaw No. 568, 2018”.

**Definitions**

2. In this Bylaw:

~~“Closed Meeting” means a meeting that is closed to the public, for reasons provided for in the *Community Charter*;~~

~~“Commission” means a municipal commission established by bylaw under local government legislation, which bylaw may outline various procedures, and membership provisions specific to that commission;~~

“Committee” means a standing , select or other committee of the Council but does not include Committee of the Whole;

“Committee of the Whole” means a committee of the whole Council;

“Corporate Officer” means the municipal officer assigned the responsibility of corporate administration;

“Council” means the Municipal Council of the District of Sechelt;

“District” means the District of Sechelt;

“District Web Site” means the information resource found at an internet address provided by the District;

“Municipal Offices” means the Municipal Offices located at 5797 Cowrie Street, Sechelt, British Columbia;

“Presiding Member” means Mayor, Mayor’s designate or Chair of a meeting;

**“Public Notice Posting Place”** means the municipal notice board outside the Municipal Office building;

**“Quorum”** means a majority of the members:

- (a) In the case of Council, a majority of the number of members of which the Council consists under the Community Charter.
- (b) In the case of any committee, a majority of the voting members appointed.
- (c) In the case of a commission, as provided in the establishing bylaw or, if not provided in the establishing bylaw, a majority of the voting members appointed.

**“Regular Meeting”** means a meeting of Council or its Committees that is scheduled to take place, and notification of that meeting has been provided to the public;

**“Select Committee”** means a committee established by Council to consider or inquire into any matter, which acts in an advisory capacity to Council;

**“Special Meeting”** means a meeting of Council or its Committees that was not scheduled, and has been called in accordance with the provisions of this bylaw or another applicable bylaw;

**“Standing Committee”** means a committee established by the Mayor, for matters that the Mayor considers would be better dealt with by committee, which acts in an advisory capacity to Council.

### **Application of Rules of Procedure**

- 3. (1) The provisions of this Bylaw govern the proceedings of Council, committees and commissions where the establishing bylaw for the commission does not provide procedures for that commission.
- (2) In cases not provided for under this Bylaw, the current edition of Robert’s Rules of Order apply to the proceedings of Council, its committees and commissions to the extent that those Rules are:
  - (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of the *Community Charter*.

## **PART 2 – COUNCIL MEETINGS**

### **Inaugural Meeting**

- 4. (1) Following a general local election, the first Council meeting will be held on the first Wednesday in November in the year of the election

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

### Time and location of meetings

5. (1) All Council meetings must take place within the municipal offices except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings will:
- (a) be held on the first and third Wednesdays of each month,
  - (b) begin at 7:00 p.m., and
  - (c) be adjourned no later than 10:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 31 (1).
- (3) When a meeting falls on a statutory holiday, the meeting shall automatically be cancelled unless the Council resolves, at an open meeting preceding the statutory holiday, to reschedule the meeting.
- (4) A meeting of the Council may be cancelled or rescheduled by resolution.
- (5) Closed Council meetings will be held: ~~(a)~~ directly following a 3:00 p.m. Regular-Council meetings on the first and third Wednesday of each month if there are items suitable for closed consideration and unless otherwise rescheduled by Council; ~~and~~
- ~~(b)~~ directly following the Committee of the Whole meeting if there are items suitable for closed consideration and unless otherwise rescheduled by Council.
- ~~(6)~~ Committee of the Whole meetings will:
- ~~(a)~~ be held on the first Wednesday, every second month beginning in February, if there are items suitable for consideration, second and fourth Wednesdays of each month,
  - ~~(b)~~ begin at 1:00 pm, and
  - ~~(c)~~ be adjourned no later than 3:030 pm on the day of the meeting, unless Committee resolves by an affirmative vote of the members present to proceed beyond that time.

### Annual Meeting

- ~~6.~~ An annual meeting must be held in accordance with provisions of section 99 of the *Community Charter*. At the annual meeting, the Council must consider the annual report and submissions and questions from the public.
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## Notice of Council Meetings

67. (1) In December of each year, Council must make available to the public ~~by December 31 in each year,~~ a schedule of the dates, times and places of regular Council and Committee of the Whole meetings by publishing in local newspaper, posting it at the Public Notice Posting Place and the District's Web Site.
- (2) Where 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 Place and on the District's Web Site, which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

## ~~Notice of~~ Special Council Meetings

78. (1) Special council meetings may be called subject to the provisions of s. 126 of the Community Charter.
- (2) Except where notice of a special meeting is waived by unanimous vote of all council members pursuant to provisions of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:
- posting a copy of the notice at the Public Notice Posting Place and on the District's Web Site; and
  - e-mailing members at the usual address with a follow up phone call or message to the members' home or cellular telephone number.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate officer;
- (3) A special meeting may be called only for a specific purpose or purposes and no business may be acted upon except that for which the meeting was called.

## ~~Calling of Special Council Meetings~~

~~9. Special council meetings may be called subject to the provisions of s. 126 of the Community Charter.~~ (Note: this has been merged with section 7)

## Electronic Mmeetings and Participation by Members

840. (1) A Council meeting may be conducted by means of electronic and communications media at the discretion of the presiding member and provided that the conditions set out in the *Community Charter* are met.

Council members who participate in a meeting in this manner are deemed to be present at the meeting, provided that a majority of members are present at the regular meeting place.

- (2) Except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place. Further, except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.
- (3) If communication is lost to one or more electronic participants during a meeting:
  - a) On the first occasion a ten minute recess will be called to try to reestablish the link(s);
  - b) If, after the recess a link cannot be reestablished the member(s) affected will be deemed to have left the meeting;
  - c) If, after a link is reestablished there is a subsequent loss of communication, no further attempts shall be made to reestablish a link and the member affected will be deemed to have left the meeting;
  - d) If, after the recess a link cannot be established and there is not a quorum of members, the meeting shall be deemed to be adjourned.

### Meeting Etiquette

944. (1) Council members, staff and members of the meeting gallery shall silence electronic data or communications devices during Council and Committee proceedings, and ensure that devices are used in a manner that does not disrupt meeting proceedings;—except in emergencies.
- (2) Attendees in the public gallery shall be respectful of others speaking and refrain from any action that may interrupt or disturb the Council meeting.

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

102. (1) Annually in November December, the Annually Council must from amongst its members designate a Councillor to act 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.
- (2) Each Councillor designated under subsection (1) must fulfill the responsibilities of the Mayor in his or her absence.
  - (3) If both the Mayor and the member designated under subsection (1) are absent from the Council meeting or vacate the Chair, the Council members present must choose a Councillor to preside at the Council meeting.
  - (4) The member designated under subsection (1) or chosen under subsection (3) has the same powers and duties as the Mayor in relation to the applicable matter.

### PART 4 – COUNCIL PROCEEDINGS

#### Attendance of public at meetings

- ~~113.~~ (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) 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*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) Committee of the Whole
  - (b) Standing and Select Committees
  - (c) Parcel Tax Review Panel
  - (d) Board of Variance
  - (e) [Advisory bodies including Advisory Commissions](#)
- (4) Despite subsection (1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section [10 42](#) may expel or exclude from a Council meeting a person in accordance with section [22 20](#) (8).

**Minutes and digital recording of meetings of meetings to be maintained and available to the public**

- ~~124.~~ (1) Minutes of the proceedings of Council must be:
- (a) legibly recorded and reflect resolutions passed by Council with minimum commentary,
  - (b) certified as correct by the Corporate Officer, and
  - (c) signed by the Mayor or other member presiding at the meeting.
- (2) Subject to subsection (3), and in accordance with section 97(1) (b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at the municipal offices during its regular office hours.
- (3) Subsection (2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.
- (a) Minutes of Council Meetings held under section 90 shall be released only after a majority of Council agrees to do so, and only the approved motion shall be released.
- (4) [While not considered an official record of meetings, for convenient reference, Audio recordings shall be made of open Council, and Committee of the Whole and Standing Committee meetings and made available to the public by the most efficient means. This includes posting on the District's website, retained for six months and made available to the public by the most efficient means.](#)
- ~~(5) Audio recordings as referred to in subsection (4) may be posted on the District's website and retained~~ for a minimum of six months [after from](#) the meeting date.

(6) Live streaming via the internet video on YouTube via the District's channel shall be conducted for all Regular Council Meetings and Standing Committee meetings. Should technical difficulties occur which prevent live streaming, the video shall be uploaded to the District's YouTube channel as soon as possible thereafter.

### Calling a meeting to order

135. (1) 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 12 must take the Chair and call such meeting to order.
- (2) 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 12 do not attend within 10 minutes of the scheduled time for a Council meeting:
- the Corporate Officer must call to order the members present, and
  - the members present must choose a member to preside at the meeting.

### Adjourning meeting where no quorum

146. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
- record the names of the members present, and those absent, and
  - adjourn the meeting until the next scheduled meeting.

### Agenda

157. (1) Prior to each Council, Committee of the Whole or Standing Committee meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at the meeting, noting in short form a summary for each item on the agenda.
- (2) The agendas referred to in section 15(1) shall be reviewed by the presiding member in advance and they shall have final discretionary approval of items placed on agendas.
- ~~(32)~~ Submissions by Councillors and the public for inclusion on the Council agenda must be provided to the Corporate Officer by 4:30 p.m. on the Wednesday Monday prior to the meeting.
- ~~(43)~~ The Corporate Officer must make the agenda available to the members of Council and the public by 3:00 p.m. on the Friday prior to the meeting. Council and Committee of the Whole agendas may also be published on the District's Web Site.
- ~~(54)~~ An item of business not included on the Agenda listed shall not be considered

at a Council meeting unless approved by a unanimous vote of members present. Consideration shall be given to whether or not the matter is time sensitive. on the Agenda may be considered at a Council or Committee of the Whole meeting with the agreement of a two-thirds majority of members present.

- (65) If the Council makes a resolution under subsection (4), information pertaining to late items must be distributed to the members prior to the item being considered.

### Order of proceedings and business

168. (1) The agenda for all regular Council meetings shall contain the following matters in the order in which they are listed below:
1. "Call to Order and Declaration of Conflict"
  2. "Adoption of Agenda"
  3. "Appointments and Delegations"
  4. "Proclamations"
  5. "Adoption of Minutes of Previous Council Meetings"
  6. "Business Arising from the Minutes"
  7. "Committee/Commission Minutes and Reports"
  - ~~8. "Reports from Select Committees, Liaison Appointments and General Reports from Council"~~
  - ~~89.~~ "Bylaws"
  - ~~940.~~ "New Business"
  - ~~104.~~ "Business Items"
  11. "Reports from Councillors"
  12. "Items for Information/Release of Closed Meeting Items"
  13. "Mayor, Council and Staff Emergency Items"
  14. "Adjournment"
- (2) A Question and Answer Period will be provided after adjournment of the Council, Committee of the Whole and Standing Committee meetings. Individuals in the chamber gallery who wish to speak to any municipal issue may do so at that time.
- (3) Question period shall be suspended for meetings held between nomination day and regular voting day for any regular municipal election or by-election.
- (3) 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.

### Voting at meetings

179. The following procedures apply to voting at Council meetings:
- (1) when debate on a matter is ended, or when a Council member calls the question (calls for a vote), the presiding member must ask Council for a vote on the matter;
  - (2) members will clearly indicate their vote by a show of hands. Votes against the matter will be recorded upon request of the member(s) voting against the

- matter;
- (3) considerate conduct will be observed by the members when the presiding member is putting the matter to a vote. No member is permitted to cross or leave the room, or make noise or other disturbance;
  - (4) voting procedures may be interrupted if a member is raising a point of order;
  - (5) after the vote is taken, a member must not speak to the question or make a motion concerning it;
  - (6) a tie vote (equal number of votes in favour and votes opposed) constitutes defeat of the matter;
  - (7) no member present at the time of discussing the matter and voting on the matter may absent him or herself from the vote – abstaining from the vote is considered a vote in the affirmative;
  - (8) should a member wish not to discuss or vote on a matter for reasons of perceived conflict of interest, the member must declare prior to discussion of the matter the reason they will not be participating in the discussion, and will leave the meeting room until after the matter is discussed and voted upon. The reason the member is not participating in the discussion of the matter, and the time at which they left the room and returned to the room, will be recorded in the minutes of the meeting.

## Delegations

1820. (1) Individuals or groups wishing to appear as a delegation before Council, on a matter within the jurisdiction of Council, may do so only if they have submitted a written request in the prescribed form, and their application reviewed by the presiding member. Once approved and received, applicants shall receive written confirmation approving their request. and received written confirmation of their scheduled presentation. Confirmed delegations shall be and placed on the agenda in the order received.

Any materials to be distributed to Council or Committee of the Whole as part of the delegation's presentation must be received by the Corporate Officer ~~seven~~ nine calendar days before the meeting to which the delegation is scheduled. The Corporate Officer shall circulate such items under the Delegations section of the agenda distributed to Council. Delegations shall be encouraged to provide condensed materials for inclusion on the agenda and any extensive, or bulky presentations will be accepted electronically only.

Provisions may be made for a delegation to participate by means of electronic and communications media at the discretion of the presiding member.

- (2) Unless otherwise permitted by the presiding member, each delegation shall be allowed ten minutes to present its submission. Delegations shall be limited to two per meeting.
- (3) Where written application has not been received by the Corporate Officer as prescribed in subsection (1), an individual or delegation may address the

meeting if approved by the unanimous vote of the Council members present.

- (4) 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 prerequisite to the adoption of the bylaw.
- (5) The Corporate Officer may schedule delegations to another meeting of Council, Committee or advisory body as deemed appropriate according to the subject matter of the delegation.
- (6) The Corporate Officer may refuse to place a delegation on the agenda if:
  - (a) the issue is not considered to fall within the jurisdiction of Council; or
  - (b) if the delegation topic is a matter previously considered by Council. If the delegation wishes to appeal the Corporate Officer's decision, they may do so to the Mayor or in the absence of the Mayor the member designated to act in place of the Mayor.

### Points of order

1924. (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter* the presiding member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this bylaw; and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the presiding member is required to decide a point of order:
- (a) the presiding member must cite the applicable rule or authority if requested by another Council member;
  - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a).

### Conduct and debate

202. (1) A Council member may speak to a question or motion at a Council, Committee of the Whole or Standing Committee meeting by addressing the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, Chair or Councillor.
  - (3) Members must address other non-presiding members by the title Councillor.
  - (4) No member may interrupt a member who is speaking except to raise a point of order.
  - (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, spoke first.

- (6) Members who are called to order by the presiding member:
  - (a) must immediately stop speaking,
  - (b) may explain their position on the point of order, and
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (7) Members speaking at a Council meeting:
  - (a) must use respectful language,
  - (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and:
  - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat; and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) The presiding member may order another person at the meeting expelled from the meeting or removed by a peace officer if the presiding member considers the person to be acting improperly.
- (10) 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.
- (11) The following rules apply to limit speech on matters being considered at a Council meeting:
  - (a) A member may speak more than once in connection with the same question only:
    - (i) after all other eligible members have been afforded the opportunity to speak;
    - (ii) with the permission of Council; or
    - (iii) if the member is explaining a material part of a previous speech without introducing a new matter or responding to an issue raised by another member.
  - (b) A member who has made a substantive motion to the Council may reply to the debate.

### **Motions generally**

- 21. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another. [General discussion may take place before a motion is made at the discretion of the presiding member.](#)

- (2) 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 by way of Notice of Motion in accordance with section [2628](#) with Council's permission, and will be included as New Business.
- (3) A Council member may make only the following motions, when the Council is considering a question:
  - (a) to refer ~~(to [Committee, Commission or staff for further information](#)) [the Committee of the Whole or another Committee](#),~~
  - (b) to amend,
  - (c) to ~~lay on the table (table or (defer),~~
  - (d) to postpone indefinitely,
  - (e) to postpone to a certain time, or
  - ~~(f) to move the main question, or~~
  - (g) to adjourn.
- (4) Motions made under subsections (3)(c) to (g) cannot be amended or debated.
- (5) 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.

### **Referral of a motion to a Committee**

22. A matter referred to committee for further review cannot be amended until the main matter is decided.

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

23. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
  - (a) If a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question.
  - (b) If the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.
  - (c) A member of Council may not reintroduce a motion previously defeated at the same meeting unless the motion is materially altered so as to make it a new matter.

### **Amendments generally**

24. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.

- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended only once.
- (6) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:
  - (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amendment motion amending the main question if the vote under subparagraph (a) is positive;
  - (c) the main question.

### **Reconsideration**

25. (1) Without limiting the authority of Council to reconsider a matter, the Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote subject to the provisions of s. 131 of the *Community Charter*.
- (2) Subject to subsection (5), a Council member may, at the next Council meeting:
  - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (3) A Council member who voted in the majority on a resolution adopted by Council may at any time move to reconsider that resolution.
- (4) Council must not discuss the main matter referred to in subsection (2) unless a motion to reconsider that matter is adopted by 2/3 of the votes cast. If the motion to reconsider is successful, the matter shall be put before Council for reconsideration and may be dealt with by Council by a majority vote.
- (5) A vote to reconsider must not be reconsidered.
- (6) Council may only reconsider a matter that has not:
  - (a) had the approval or assent of the electors and been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*, or
  - (c) been acted on by an officer, employee, or agent of the District.
- (7) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (8) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or

section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

### Notice of Motion

26. (1) Any Councillor desiring to bring forward to Council any new matter, other than a point of order or privilege, shall do so by way of a "Notice of Motion" and the matter shall be dealt with as provided by section ~~268~~(2).
- (2) A Councillor may give notice of motion:
- (a) to the Council or Committee of the Whole during a meeting, at the discretion of the presiding member (Mayor, Mayor's designate, or Committee Chair). Once acknowledged by the presiding member, a Councillor shall read the resolution into the meeting and provide the Corporate Officer with a copy of such motion at the meeting. The Corporate Officer shall record the motion in the Minutes of the meeting as a notice of motion and shall add the motion to the agenda of the next appropriate meeting along with any background information identified; or
- (b) provide the Corporate Officer with a written copy of such motion, no later than ~~six~~ nine calendar days prior to the scheduled meeting and the Corporate Officer shall add the motion to the agenda for said meeting.

### Privilege

27. (1) In this section, a matter of privilege refers to any of the following motions:
- fix the time to adjourn;
  - adjourn;
  - recess;
  - raise a question of privilege of the Council;
  - raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### Reports from Committees

28. (1) Council may take any of the following actions in connection with a recommendation it receives from a Committee or the Committee of the Whole:
- agree or disagree with the recommendation;
  - amend the recommendation;
  - refer the recommendation back to the committee;
  - postpone consideration of the recommendation.

## Adjournment

29. (1) A Council may continue a Council meeting after 10:00 p.m. only by an affirmative vote of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## PART 5 – BYLAWS

### Copies of proposed bylaws to Council members

30. (a) Bylaws to be considered by Council must be included on the prepared agenda.
- (b) A bylaw that is not on the published agenda may be introduced at a Council meeting with unanimous consent of Council.

### Form of bylaws

31. A bylaw introduced at a Council meeting must:
- (a) be printed;
  - (b) have a distinguishing name;
  - (c) have a distinguishing number;
  - (d) contain an introductory statement of purpose;
  - (e) be divided into sections.

### Bylaws to be considered separately or jointly

32. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
  - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

### Reading and adopting bylaws

33. (1) The presiding member of a Council meeting:
- (a) may call upon a member of staff to provide a detailed description of a bylaw or group of bylaws and then,
  - (b) will request a motion that the proposed bylaw or group of bylaws be read.
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.
- (4) Subject to section [447.882](#) of the *Local Government Act* each reading of a

proposed zoning bylaw must receive the affirmative vote of a majority of the Council members present.

- (5) In accordance with section 135 of the *Community Charter* Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter* and in accordance with section [477\(6\)](#) ~~890(9)~~ of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (7) Bylaws requiring other approval, must receive those approvals prior to being adopted.

### **Bylaws must be signed**

34. After a bylaw is adopted, it must include the dates of its readings and adoptions, dates of other approvals required, and be signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted and then placed by the Corporate Officer in the District's records for safekeeping.

## **PART 6 – RESOLUTIONS**

### **Introducing Resolutions**

35. A resolution may be introduced at a Council meeting in accordance with sections [202](#), [213](#), [224](#), [235](#), [246](#), [257](#) and [268](#) of this Bylaw.

### **Form of Resolutions**

36. The presiding member may require a Council member introducing a lengthy resolution to provide the resolution in writing to the Corporate Officer.

## **PART 7 – COMMITTEES**

### **Committee procedures**

39. Procedures of Council apply to Committees and Commissions unless otherwise provided for by any of the sections in Part 7 or by the establishing bylaw of the commission.

### **Standing Committees/Committee of the Whole**

40. (1) Standing Committees are established by the Mayor. Acting as either individual Standing Committees, or as Committee of the Whole, the Committee(s) must consider, inquire into, report, and make recommendations to Council about all of the following matters:
  - (a) Matters that are related to the general subject indicated by the name of the Committee,
  - (b) matters that are assigned by Council, and
  - (c) matters that are assigned by the Mayor.

### **Duties of Select Committees**

41. (1) The Council may establish Select Committees to consider, inquire into, report, and make recommendations to Council about the matters referred to the Committee by the Council.
- (2) Select Committees must report and make recommendations to the appropriate Standing Committee of Council or to Committee of the Whole at the next meeting of that Committee, unless a different date and time is specified by Standing Committee or Committee of the Whole.

### **Schedule of Committee meetings**

42. (1) The schedule of Standing Committees/Committee of the Whole will be decided at the first meeting of Council after the local general election, where the Committees are established, and chairpersons and members appointed.
- (2) At its first meeting after its establishment a Select Committee must establish a regular schedule of meetings.
- (3) The chair of the Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee meetings**

43. (1) After the Committee has established the regular schedule of committee meetings, including the times, dates and places of the Committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
- (b) providing a copy of the schedule to each member of the Committee.

### **Attendance at Committee meetings**

44. (1) Council members who are not members of a committee may attend the meetings of the committee and may:
- (a) participate in the discussion of matters with the permission of a majority of committee members present, but
- (b) not vote on any matters.
- (2) The Mayor is appointed as a voting member to all Committees.

### **Minutes of Committee meetings**

45. (1) Minutes of Committee meetings must be produced and kept in the same manner as Council minutes except that:
- (a) minutes shall summarize discussion that takes place and record recommendations passed;
- (b) minutes of Committees must be signed by the Chair of the Committee and the Corporate Officer or the municipal officer acting as staff liaison to the Committee.

**PART 8 - GENERAL**

- 46. 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.
- 47. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

**Repeal**

- 48. The District of Sechelt Council Procedure Bylaw No. 521, 2012, 490,  
2010 and Bylaw 490-1, 2011 are is hereby repealed.

READ A FIRST TIME THIS	DAY OF	, 201 <u>8</u> <u>2</u>
READ A SECOND TIME THIS	DAY OF	, 201 <u>8</u> <u>2</u>
READ A THIRD TIME THIS	DAY OF	, 201 <u>8</u> <u>2</u>
ADOPTED THIS	DAY OF	, 201 <u>8</u> <u>2</u>

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**DISTRICT OF SEHELDT**  
**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**  
**held at 5797 Cowrie Street, Sechelt, BC**  
**Wednesday, February 7, 2018**

**PRESENT** Mayor B. Milne; Councillors D. Inkster; A. Lutes; N. Muller; and D. Siegers

**REGRETS** Councillors M. Shanks; and D. Wright

**STAFF** Chief Administrative Officer A. Yeates; Director of Financial and Corporate Services/Interim Director of Planning and Development Services D. Stewart, Corporate Officer J. Frank; Acting Human Resources Advisor B. Ostrosky; and Recording Secretary S. Tyne

**1. CALL TO ORDER**

The Mayor called the Committee of the Whole Meeting to order at 1:00 p.m.

The Mayor opened the meeting by welcoming those in the gallery and noting that this Committee of the Whole meeting was scheduled to discuss updates to the Council Procedure Bylaw for 2018.

**2. ADOPTION OF AGENDA**

**Recommendation No. 1**

**Moved/Seconded**

That the agenda be adopted.

**CARRIED**

**3. DELEGATION and DISCUSSION ITEM**

None.

**4. BUSINESS ITEMS**

**4.1 Council Procedure Bylaw**

**Moved/Seconded**

That the report from the Corporate Officer dated November 20, 2017 regarding proposed amendments to Council Procedure Bylaw No. 521, 2012, be received.

**CARRIED**

The Corporate Officer requested Council's permission to present her report section by section along with the proposed bylaw amendments for Council's consideration.

The Corporate officer noted that:

- The majority of the proposed changes come from the April 6, 2016 Committee of the Whole meeting minutes and discussion
- Some additions and changes were added based on discussion and direction from Mayor, Council Workshops, comments from staff or noted in review by the Corporate Officer
- Attachment 1 is the proposed bylaw amendments
- Attachment 3 is previous Procedure Bylaw versions for past 10 years and supporting documents which Council previously requested be brought forward

Council proceeded to review the proposed amendments by section. In discussion of each section it was noted that:

Part 1 – Introduction - no changes

Section 2- Definitions:

- Discussion from the April 2016 CoW meeting noted that some current definitions may be superfluous as they are already covered in other District of Sechelt documents. The proposed amendments to section 2 were therefore suggested.
- There was agreement by consensus that these amendments be accepted

Section 3 - Application of Rules and Procedures:

- The current bylaw, as decided within the last Council Procedure Bylaw Amendment process, recommends Bourinot's rules not Robert's Rules
- The Corporate Officer recommends to reinstate Robert's Rules based on the reasoning that UBCM and many local governments follows Robert's Rules
- There was agreement by consensus that these amendments be accepted

Part 2 – Council Meetings

Section 4 - Inaugural Meeting:

- The Community Charter requires that Council establish the date of the inaugural meeting within one (1) week of the election results
- The Corporate Officer recommended the addition of the words "on the first Wednesday in November" to satisfy the Community Charter requirement
- This specification also reflects that the election is now held in October, not November.

Section 5 - Time and Location of Meetings:

- The Corporate Officer recommends that the time and location of meetings remain within the Procedure Bylaw, and that clarified reasons and requirements for closed meetings be added
- Staff review to clarify if the information regarding CoW meetings is duplicated in

### Section 7

- Section 5 could be reduced to more simply state ‘In December of each year, the calendar of Council and Committee meetings for the next year will be published’
- If future Mayor and Council wish to change or modify the procedure for CoW meetings, they will have to amend the Bylaw
- Every District of Sechelt Committee has its own Terms of Reference which may require updating as well

### Section 6 - Notice of Council Meetings:

- This entire Section be deleted

### Section 7 - Special Council Meetings:

- No amendment will be made to (b) regarding methods for contacting Council

### Section 8 – Electronic Meetings and Participation by Members:

- Correct a typo in subsection (1) by adding a space between “and provided”

### Section 9 - Meeting etiquette:

- Respectful language should be addressed in this section
- Amend wording to clarify that Section 9 is subject to the entirety of the meeting, not just Council members
- Specification is required to clarify that electronics required for the meeting process are allowed, but personal devices must be monitored
- Amendment required to include requirements of respectful conduct by all attendees of meetings
- Ensure that it is clear that all opinions are welcome, but must be respectful

### Part 3

### Section 10 - Designation of Member to Act in Place of Mayor:

- This is a mandatory section for the Procedure Bylaw as per the Community Charter
- The selection may occur at any time, although the Corporate Officer recommended November, at same time as inaugural Council meeting, to ensure there is someone delegated to act as Mayor in case of their absence
- Some Council rotate assignment of the Deputy Mayor role throughout the year
- The Community Charter indicates that a Council must establish the procedure for designating a person to act in place of the Mayor
- It was agreed for 10 (1) that the wording will not state a month

### Section 12 – Minutes and Digital Recording of Meetings:

- Staff will look into the retention period for recordings of Public meetings
- Section 12 (6): Remove both references to “Youtube” to allow for more flexibility in streaming options
- Add to Section 12: A disclaimer stating that signed minutes are the only true record of a meeting, and that audio and video recordings are made available by the most efficient means and distributed as a courtesy

Public Question and Answer Periods:

- A Notice of Motion came forward previously regarding the possibility of recording and streaming public question and answer periods at Council and Committee meetings and Council directed that it would be discussed along with the Council Procedure Bylaw process
- Other Councils in British Columbia include public questions and answers during the meeting as per their own preferences
- It needs to be made clear for Council, Committees and the public whether public interruptions and input will be permitted during meetings or if it is at the Chair's discretion
- Comments made from the gallery are not always pertinent to the meeting's business, and are not always questions but statements
- Section 16(3) question and answer period is suspended during the campaign period
- It must be clear that procedurally, as they occur after adjournment, question and answer periods are not a part of Council business and the meeting is over while it is occurring
- A consensus was reached that recording and streaming of public question and answer periods after Council adjournment, will not be added as a procedure

The meeting was recessed at 2:09pm.

The meeting was reconvened at 2:12pm.

Section 15 - Agenda:

- Section 15 be amended to state "the Monday, prior to the week of the meeting"
- Section 15 reflect that presiding members are to review agendas in advance
- Section 15 (4) "Consideration shall be given to whether or not the matter is time Sensitive" is included based on previous direction from Council during a workshop regarding Council wanting Staff to provided sufficient evidence for late items to be added

Section 16 – Order of Proceedings and Business:

- Section 16 (2) will include the addition of the specification of all standing committees and Committee of the Whole
- "Appointments" will be removed from "Appointments and Delegations"
- Appointments will be new business or through committee minutes

Section 18 – Delegations:

- A clause is required to eliminate repetitive delegations on the same items of business by the same applicants, dueling delegations, and Corporate mis-use of the delegation process
- Add a clause that all Council and Committee agendas will be reviewed by the presiding member; and that the presiding member has final discretionary approval on items placed on the Agenda

- Amend the wording from “the prescribed form and received written confirmation of their scheduled presentation. Confirmed delegations shall be placed on the agenda in the order received” to read: “the prescribed form. Delegations will be reviewed by the presiding member. Once approved, applicants will be confirmed by written confirmation of their scheduled presentation and shall be placed on the agenda in the order received”

#### Section 20 - Conduct and Debate:

- As Council is an entity, any Council member may call a Point of Order at any time, with appropriate discretion
- Conduct standards must refer to any individual participating in DOS Council or committee meetings, not just Council – wording is to be added to Section 9 to reflect that
- Some of the discussion held will be considered and covered within the Council Code of Conduct
- A draft Council Code of Conduct policy will be brought forward by staff for Council to review soon

#### Section 21 - Motions Generally:

- Staff to provide clarification regarding which points can be debated, appropriate use of motions and if a Chair must respect and proceed with all requests for motions

#### Section 23 – Motion for the Main Question

- There is no rule in Robert’s Rule regarding friendly or non-friendly amendments. These are only a practice of Councils used to maintain productive flow of business in meetings

#### Section 26 - Notice of Motion:

- That 26 (b) be corrected to state “no later than nine (9) calendar days”
- Further discussion is required regarding Councillors options for bringing reports and agenda material forward

#### Section 33 – Reading and Adopting Bylaws

- That 33 (3) – Further discussion is required to clarify the particulars of bylaw readings, with regards to development permits post public hearings

Consensus was that the draft Council Procedure Bylaw could now go to Council for consideration.

**Moved/Seconded**

That the Committee of the Whole meeting of February 7, 2018 be adjourned at 2:59 pm.

**CARRIED**

Certified Correct:

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Bruce Milne, Mayor

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Jo-Anne Frank, Corporate Officer