

# Council Procedure Bylaw

No. 2018-035

*Consolidated to: September 26, 2023*

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*Note: Table of Contents is for convenience and does not form part of the bylaw.*

# THE CORPORATION OF THE DISTRICT OF SUMMERLAND

## BYLAW NUMBER 2018-035

### Council Procedure Bylaw

CONSOLIDATED FOR CONVENIENCE TO INCLUDE: Bylaw 2019-024,  
2019-028, 2019-039; 2020-012; 2021-037; 2022-041; 2023-017; 2023-022

WHEREAS, pursuant to the requirements of the *Community Charter*, Municipal Council must, by bylaw, establish the general procedures to be followed by Council and Council Committees in conducting their business;

NOW THEREFORE, the Municipal Council of the District of Summerland enacts as follows:

#### PART 1 - INTRODUCTION

##### Title

1. This Bylaw may be cited as the "Council Procedure Bylaw No. 2018-035".

##### Definitions

***Bylaw 2021-037 added the following definitions: "Council meeting"; "Electronic meeting"; "Electronic participation"; and "Quorum" (Oct. 25, 2021); Bylaw 2023-017 removed the word 'advisory' from the "Committee" definition (June 26, 2023):***

2. In this Bylaw,

"Municipal Hall" means Summerland Municipal Hall located at 13211 Henry Avenue, Summerland, British Columbia;

"Municipal Website" means the information resource found at an internet address provided by the District;

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

"Committee" means a standing, select, or other committee of Council, but does not include COTW;

"COTW" means a Committee of the Whole of Council;

"Council" means the mayor and the councillors of the District of Summerland;

"Council meeting" means a regular meeting of Council or a special meeting of Council;

"District" means the Corporation of the District of Summerland;

"Electronic meeting" means a meeting where all Council or Committee members participate

electronically;

"Electronic participation" means the electronic participation by one or more Council or Committee members at an in-person meeting;

"Public Notice Posting Places" means the notice board at Municipal Hall and the Municipal Website, if available;

"Quorum" subject to an order issued pursuant to the Community Charter, means a majority of Council or Committee members in attendance either in person or electronically; and

unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter* or *Local Government Act*, as the context and circumstances may require.

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

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, Commissions, and all Committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the most current version of *Robert's Rules of Order* apply to the proceedings of Council, COTW, Commissions, and Council Committees to the extent that those Rules are
  - (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## **PART 2 – COUNCIL MEETINGS**

### **Inaugural Meeting**

***Bylaw 2023-017 deleted the word 'Monday' in s. 4.1 and replaced with the word 'Tuesday' (June 26, 2023):***

4. (1) Following a general local election, the first Council meeting must be held on the first Tuesday 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**

***Bylaw 2021-037 deleted section 5(1) in its entirety and replaced with the following (Oct. 25, 2021):***

5. (1) All Council meetings must take place within Municipal Hall and by electronic or other communication methods, such that members of Council and the public have the option for attendance in person or by electronic or other communication methods, unless Council resolved otherwise.

***Bylaw 2019-039 deleted 5(2)(a) and (b) in its entirety and replaced with new sections 5(2)(a) and (b) (Dec. 9, 2019); Bylaw 2022-041 (Dec. 12, 2022) deleted section 5(2) in its entirety and replaced with new sections 5(2)(a) and (b); Bylaw 2023-017 deleted and replaced the first paragraph of section 5(2)***

***in its entirety) (June 26, 2023):***

- (2) Regular meetings will be held a 3 week rotation beginning Tuesday July 18,2023 and every third week in subsequent years starting the third Tuesday of January, as follows:
  - (a) Regular (afternoon) Council meeting begin at 1:00pm and be adjourned at 4:00pm unless Council resolves to proceed beyond that time in accordance with section 29; and
  - (b) Regular (evening) Council meeting begin at 6:00pm and be adjourned at 9:00pm unless Council resolves to proceed beyond that time in accordance with section 29.
- (3) Regular Meetings may be cancelled:
  - (a) by Council provided that two consecutive meetings are not cancelled; or
  - (b) by the corporate officer in consultation with the mayor if there are no business items for the agenda.
- (4) When a Regular Meeting falls on a statutory holiday, the meeting shall be held on the next day the Municipal Hall is open following the statutory holiday.

**Notice of Council Meetings**

6. (1) In accordance with the *Community Charter*, Council must prepare annually on or before January 1st, 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.
- (2) In accordance with the *Community Charter*, Council must give notice annually on or before January 1st of the time and duration that the schedule of regular Council meetings will be available beginning on January 1st.
- (3) 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 Places which indicates any revisions to the date, time and place or cancellation of a regular council meeting.

**Notice of Special Meetings**

***Bylaw 2021-037 deleted 7(1)(b) in its entirety (Oct. 25, 2021):***

7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter* a notice of the day, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
  - (a) posting a copy of the notice at the Public Notice Posting Places.
- (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.

## Electronic Meetings

**Bylaw 2021-037 deleted section 8 in its entirety and replaced it with the following section 8, and added Section 9 (Oct. 25, 2021):**

8. (1) Provided the conditions in the *Community Charter* are met, a Council meeting, COTW meeting, and Committee meeting may be held entirely by means of electronic or other communication facilities, if:
  - (a) the Chair requires.
- (2) Advance public notice of
  - (a) the way in which the electronic meeting will be conducted, so that participants may hear, or watch and hear, and
  - (b) the place where the public may attend to hear, watch and hear, the proceedings that are open to the public

will be posted in the public notice posting places and according to the procedures established in this bylaw for giving notice.

## Electronic Participation

9. (1) Provided the conditions in the *Community Charter* are met, a member of a meeting who is unable to attend at the meeting in person, may participate in the meeting by electronic or other communication methods, if:
  - (a) the meeting is a Council meeting, COTW meeting or committee meeting; and
  - (b) the member is unable to attend in person because of other commitments.
- (2) the member presiding at a meeting described in section 9(1)(i) must not participate electronically.

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

**Bylaw No. 2022-041 deleted section 10(1) in its entirety and replaced with a new section 10(1) (Dec. 12, 2022); Bylaw No. 2023-017 deleted and replaced section 10(1)(a) in its entirety (June 26, 2023):**

### Deputy Mayor

- 10 (1) At least once during each term of Council, Council must from among its members designate a Councillor to serve as the member responsible for acting in place of the mayor when the mayor is absent or otherwise unable to act, or when the office of the mayor is vacant.
  - (a) the Mayor is to bring forward a recommendation at the beginning of each term following the inaugural meeting, of a Council member to act as Deputy Mayor for Council consideration”

**Bylaw No. 2022-041 changed the word ‘Each’ in subsection (2) to ‘A’ as follows (Dec.12, 2022):**

- (2) A 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 section 10(1) are absent from the Council meeting, the Council members present must choose a councillor to preside at the Council meeting.
- (4) The member designated under section 9(1) or chosen under section 10(3) has the same powers and duties as the mayor in relation of the applicable matter.

## **PART 4 - COUNCIL PROCEEDINGS**

### **Community Charter Provisions**

11. (1) Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 and Division 2 of Part 5.

### **Attendance of Public at Meetings**

12. (1) Except where the provisions 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 of the public, Council must pass a resolution in a public meeting in accordance with 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) COTW,
  - (b) Committees,
  - (c) Parcel Tax Review Panel,
  - (d) Board of Variance, and
  - (e) 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 9 may expel or exclude from a Council meeting a person in accordance with section 21(8).

### **Minutes of Meetings to be Maintained and Available to Public**

13. (1) Minutes of the proceedings of Council must be
  - (a) legibly recorded,
  - (b) certified as correct by the corporate officer, and
  - (c) signed by the mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) Subject to subsection (3), and in accordance with section 97(1)(b) of the *Community Charter* [other records to which public access must be provided], minutes of the

proceedings of Council must be open for public inspection at Municipal Hall 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*.

### **Calling Meeting to Order**

14. (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 9 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 9 do not attend within 15 minutes of the scheduled time for a Council meeting:
  - (a) the corporate officer must call to order the members present, and
  - (b) the members present must choose a member to preside at the meeting.

### **Adjourning Meeting Where no Quorum**

15. (1) If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the corporate officer must
  - (a) record the names of the members present, and those absent, and
  - (b) adjourn the meeting until the next scheduled meeting.

### **Agenda**

16. (1) Prior to each Council meeting, the corporate officer must prepare an Agenda outlining all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by the public to the corporate officer of items for inclusion on the Council meeting Agenda must be noon on the Monday prior to the meeting.  
*[Amended by Bylaw 2019-024]*
- (3) The corporate officer must make the agenda available to the members of Council and the public by 4:00 p.m. on the Wednesday prior to the meeting.  
*[Amended by Bylaw 2019-024]*
- (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 17.

***Bylaw 2022-041 deleted Section 17(1) in its entirety and replaced it in its entirety (Dec. 12, 2022); Bylaw 2023-017 added (h) Bylaws for Adoption and alphabetically re-organized the list (June 26, 2023):***

### **Order of Proceedings and Business**

17. (1) The agenda for the Regular (afternoon) Council meeting contain the following matters in the order in which they are listed below:



- (a) Call to Order;
- (b) Introduction of Late Items;
- (c) Approval of Agenda;
- (d) Consent Agenda;
- (e) Delegations;
- (f) Public Comment Opportunity
  - i. maximum of 15 minutes in total and 2 minutes per speaker,
  - ii. comments and questions must pertain to items on the Agenda,

exception: no comments or questions on any item with a statutory requirement for public input, such as Zoning and OCP Amendments, Development Variance Permit, and Temporary Use Permit applications;
- (g) Business Items;
- (h) Bylaws for Adoption;
- (i) Items Removed from Consent Agenda;
- (j) Public/Media Comment Period
  - i. maximum of 15 minutes in total and 2 minutes per speaker,
  - ii. comments may be on any matter of local government interest; and
- (k) Adjournment.

***Bylaw 2022-041 deleted Section 17(2) in its entirety and replaced it with the following (Dec. 12, 2022):  
Bylaw 2023-017 added (j) Bylaws for Adoption and alphabetically re-organized the list (June 26, 2023)***

- (2) The agenda for the Regular (evening) Council meeting contain the following matters in the order in which they are listed below:
  - (a) Call to Order;
  - (b) Introduction of Late Items;
  - (c) Approval of Agenda;
  - (d) Consent Agenda;
  - (e) Bylaws Readings – Public Hearing;
  - (f) Mayor’s Report;
  - (g) CAO’s Report;
  - (h) Public Comment Opportunity
    - i. maximum of 15 minutes in total and 2 minutes per speaker,
    - ii. comments and questions must pertain to items on the Agenda,

**exception:** no comments or questions on any item with a statutory requirement for public input, such as Zoning and OCP Amendments, Development Variance Permit, and Temporary Use Permit applications;
  - (i) Development Reports & Business Items;
  - (j) Bylaws for Adoption;
  - (k) Business Arising from COTW and Closed Sessions;
  - (l) Notice of Motion;
  - (m) Items Removed from Consent Agenda;
  - (n) Councillor Reports;
  - (o) Public/Media Comment Period

- i. maximum of 15 minutes in total and 2 minutes per speaker,
- ii. comments may be on any matter of local government interest; and

(p) Adjournment

***Bylaw 2022-041 added Section 17(3) and renumbered subsequent sections accordingly (Dec. 12, 2022); Bylaw 2023-017 deleted Section 17(3) and renumbered subsequent sections accordingly (June 26, 2023):***

- (3) Items to be included in the Consent Agenda are:
  - (a) minutes (Council and Committee);
  - (b) correspondence; and
  - (c) other items for which debate is not expected.
- (4) The agenda for all Special Council meetings contains the following matters in the order in which they are listed below:
  - (a) Call to Order;
  - (b) Introduction of Late Items;
  - (c) Approval of Agenda;
  - (d) Business Items;
  - (e) Adjournment.
- (5) The agenda for Committee of the Whole shall contain the following matters in the order in which they are listed below:
  - (a) Call to Order;
  - (b) Approval of Agenda;
  - (c) New Business;
  - (d) Adjournment.
- (6) Particular business at a meeting of Council must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.”

**Late Items**

- 18. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under subsection (1), information pertaining to late items must be distributed to the members.

***Bylaw 2023-017 added Section 18 in its entirety and renumbered the remaining portions of the bylaw (June 26, 2023):***

### **Notice of Motion**

19. (1) Any Council member who wishes to bring before Council any new matter of business, bylaw or policy other than a point of privilege may do so by way of a Notice of Motion.
- (2) Any Council member making a Notice of Motion must bring forward a verbal notice under the appropriate agenda heading at a Council meeting. Following the verbal notice, the member must submit a written copy of the proposed motion to the Corporate Officer and may also provide any relevant background information support the proposed motion.
- (2) The Corporate Officer must place the written notice of motion at an upcoming Council meeting as a business item to be considered by Council.
- (3) Despite section 19(2) and (3), any Council member may bring forward a Notice of Motion regarding an emergent or time-sensitive issue, and Council may consider this Notice of Motion at the same meeting.”

### **Voting at Meetings**

20. (1) The following procedures apply to voting at Council meetings:
  - (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
  - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:

“Those in favour raise your hands.”, and then

“Those opposed raise your hands.”;
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
    - (i) cross or leave the room,
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order
  - (d) after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
  - (e) the presiding member’s decision about whether a question has been finally put is conclusive; and
  - (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
  - (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

### **Delegations**

21. (1) A delegation may address Council at a meeting provided a written request outlining the

nature of the presentation has been received by the corporate officer prior to the meeting and is approved by the Chief Administrative Officer for inclusion on the agenda. Each delegation will have a 5-minute time limit to address Council. The members of Council present at the meeting may approve an extension to the time limit by unanimous consent.

- (2) The corporate officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council.
- (3) Delegations may be scheduled for another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (4) Where written request to appear as a delegation has not been received by the corporate officer as prescribed in subsection (1), a delegation may address the meeting if approved by the unanimous vote of the members present.
- (5) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
- (6) If a delegation wishes to appeal the decision to deny their inclusion on an agenda, the corporate officer must forward any information on the application for appearance as a delegation to Council under separate cover, for their consideration.

#### **Points of Order**

22. (1) Without limiting the presiding member's duty under 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), and
  - (c) the presiding member may reserve the decision until the next Council meeting.

#### **Conduct and Debate**

23. (1) A Council member may speak to a question or a motion at a Council meeting only if that member first addresses the presiding member.
- (2) Member must address the presiding member by that person's title of mayor, acting mayor, or councillor.
- (3) Members must address other non-presiding members by the title councillor.
- (4) No member must 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, first spoke.

- (6) Members who are called to order by the presiding member must
  - (a) 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)(e), 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) 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.
- (10) 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) with the permission of the presiding member, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
  - (b) a member who has made a substantive motion to the Council may reply to the debate;
  - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
  - (d) a member may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of Council.

**Bylaw 2023-022 added Section 24 in its entirety and renumbered the remaining portions of the**

**bylaw (September 26 26, 2023):**

**Conduct in Public Gallery**

24. (1) During a meeting, a person in the public
- (a) must refrain from disorderly or boisterous conduct, including but not limited to making loud noises, clapping, shouting, booing, hissing, whistling, or any other activity that disturbs, disrupts, or impedes the meeting,
  - (b) must refrain from displaying signs, placards, banners or other symbolic objects,
  - (c) must turn cell phones, or any other mobile device, to silent or vibrate,
  - (d) must remain seated unless approaching the podium, or designated area, or to enter or leave the meeting,
    - (i) if a person is leaving while the meeting is in progress, they must do so in a quiet and orderly manner,
  - (e) must refrain from entering the formal Council and staff area at any time, while in session or not, without prior consent from the Chair,
  - (f) must refrain from speaking out from the gallery without first being recognized by the Chair and when recognized, address the Chair and not any other member of the public, staff, Council or Committee unless in response to a question from that Member,
  - (g) must refrain from making threatening, profane, abusive, personal, slanderous, impertinent, or unduly repetitious comments; and
  - (h) must refer to members of Council by their official title of "Mayor" or "Councillor" to respect to the democratic process.
- (2) Where rules on decorum are not followed by an individual, the Chair has the primary responsibility for maintaining order and uniformly enforcing the Rules of Decorum. Where the Rules of Decorum are not followed by an individual, it is within the authority of the Chair to ask that individual to leave the meeting."

**Motions Generally**

25. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (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 with Council's permission.
- (3) A Council member may make only the following motions when the Council is considering a question:
- (a) to refer to committee;
  - (b) to amend;
  - (c) to lay on the table;
  - (d) to postpone indefinitely
  - (e) to postpone to a certain time;

- (f) to move the previous question;
  - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (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.

### **Motion to Commit**

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

### **Motion for the Main Question**

27. (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; and
  - (b) if the motion for the main question, or for the main question as amended is decided in the negative, the Council may again debate the question, or proceed to other business.

### **Amendments Generally**

28. (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 works 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 once only.
- (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 amended motion amending the main question if the vote under subparagraph (a) is positive;

- (c) the main question.

### **Reconsideration by Council Member**

- 29. (1) 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 25 hours following its adoption.
- (2) Subject to subsection (5), a Council member who voted affirmatively for a resolution adopted by Council may, within 30 days of the adoption, move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
  - (a) had the assent of the electors,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter [mayor may require council reconsideration of a matter]*,
  - (c) been acted on by an officer, employee, or agent of the District.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) 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.

### **Privilege**

- 30. (1) In this section, a matter of privilege refers to any of the following motions:
  - (a) fix the time to adjourn;
  - (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of the Council;
  - (e) 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.

***Bylaw 2019-039 deleted 29(1)(b) in its entirety and renumbered Section 29 (1) accordingly (Dec. 9, 2019):***



## **Reports from Committees**

31. (1) Council may take any of the following actions in connection with a recommendations it receives from a committee, commission or COTW:
- (a) agree or disagree with the recommendations;
  - (b) refer the recommendation back to the committee, COTW or Commission;
  - (c) postpone its consideration of the recommendation.

***Bylaw 2019-039 deleted Section 30 in its entirety and replaced it with the following (Dec. 9, 2019):***

## **Adjournment**

32. (1) A Council may, by an affirmative vote of 2/3 of the Council members present, continue:
- (a) the Regular (afternoon) Council meeting after 4:00pm; and
  - (b) the Regular (evening) Council meeting after 9:00 p.m.
- (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 the 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**

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

### **Form of Bylaws**

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

### **Bylaws to be Considered Separately or Jointly**

35. (1) Council must consider a proposed bylaw at a Council meeting either;

- (a) separately when directed by the presiding member or request by another Council member, or
- (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

### **Reading and Adopting Bylaws**

36. (1) The presiding member of a Council meeting may
- (a) have the corporate officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - (b) 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.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 882 of the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (6) Despite section 135(3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

### **Bylaws Must be Signed**

37. (1) 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 District's records for safekeeping, and endorse upon it:
- (a) the dates of its readings and adoption; and
  - (b) the date of Ministerial approval or approval of the electorate if applicable.

## **PART 6 – RESOLUTIONS**

### **Resolutions**

38. (1) All resolutions shall be by motion duly moved and seconded by Council members in accordance with section 22.

### **Introducing Resolutions**

39. (1) The presiding member of a Council meeting may:
- (a) have the corporate officer read the resolution; and

- (b) request a motion that the resolution be introduced.

## **PART 7 - COMMITTEE OF THE WHOLE**

***Bylaw 2021-035 added Sections 38 and 39, and renumbered the bylaw accordingly (Oct. 25, 2021):***

### **Time and Location of Committee of the Whole (COTW)**

- 40. (1) All COTW meetings must take place within Municipal Hall except when Council resolves to hold meetings elsewhere
- 41. (1) COTW meetings will be scheduled as required by:
  - (a) the Mayor, or
  - (b) the Chief Administrative Officer.

### **Going into Committee of the Whole (COTW)**

***Bylaw 2019-039 deleted Sections 40 & 41 and replaced the following (Dec. 9, 2019):***

- 42. (1) At any time during a Regular Council meeting, Council may by resolution go into COTW.

### **Notice of COTW Meetings**

***Bylaw 2021-037 deleted section (41)(b) in its entirety (Oct. 25, 2021):***

- 43. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
  - (a) posting a copy of the notice at the Public Notice Posting Places.
- (2) Subsection (1) does not apply to a COTW meeting that is called during a Regular Council meeting for which public notice has been given.

### **Minutes of COTW Meetings to be Maintained and Available to Public**

- 44. (1) Minutes of the proceedings of COTW must be
  - (a) legibly recorded,
  - (b) certified by the corporate officer,
  - (c) signed by the member presiding at the meeting.
  - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### **Presiding Members at COTW Meetings and Quorum**

***Bylaw 2022-041 deleted Section 43(1) and (2) and replaced it with the following, and renumbered the subsequent subsection accordingly (Dec. 12, 2022):***

- 45. (1) The deputy mayor is to preside over COTW meetings.
- (2) If the deputy mayor and mayor are not in attendance, the members of Council attending a meeting of the COTW must appoint a presiding member for the COTW meeting.
- (3) The quorum of COTW is the majority of Council members.

**Points of Order at Meetings**

- 46. (1) The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

**Conduct and Debate**

- 47. (1) Notwithstanding the foregoing, the following rules apply to COTW meetings:
  - (a) a member may speak any number of times on the same question
  - (b) a member must not speak longer than a total of 10 minutes on any one question.

**Voting at Meetings**

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

**Reports**

- 49. (1) COTW may consider reports and bylaws only if
  - (a) they are printed and the members each have a copy, or
  - (b) the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (3) The COTW's reports to Council must be presented by the corporate officer.

**Adjournment**

- 50. (1) A motion to adjourn is always in order if that motion has not been preceded at the meeting by the same motion.
- (2) If a motion to adjourn is adopted by COTW at a meeting constituted under section 38(1), the Council meeting must resume and proceed to the next order of business.

**PART 8 – COMMITTEES**

**Duties of Standing Committees**

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

- (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;
  - (c) matters that are assigned by the mayor.
- (2) Standing committees must report and make recommendations to Council at all the following times:
- (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are assigned by Council or the mayor,
    - (i) as required by Council or the mayor, or
    - (ii) at the next Council meeting of the Council if the mayor does not specify a time.

***Bylaw 2023-017 deleted section 51 in its entirety and renumbered the remaining sections of the bylaw (June 26, 2023):***

**Duties of Select Committees**

52. (1) Select committees must 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 Council at the next Council meeting unless Council specifies a different date and time.

**Schedule of Committee Meetings**

53. (1) At its first meeting after its establishment a Committee must establish a regular schedule of meetings.
- (2) The chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

**Notice of Committee Meetings**

54. (1) Subject to subsection (2), after the Committee has established the regular schedule of 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.
- (2) Where revisions are necessary to the annual schedule of Committee meetings, the corporate officer must, as soon as possible but no later than 24 hours before the time of the first revised meeting, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Committee meeting.
- (3) The chair of a Committee must cause a notice of the date, time and place of a meeting called under subsection (2) to be given to all members of the Committee at least 24 hours before the time of the meeting.

### **Attendance at Committee Meetings**

55. (1) Council members who are not members of a Committee may attend the meetings of the Committee.

### **Minutes of Committee Meetings to be Maintained and Available to Public**

#### ***Bylaw No. 2023-017 deleted and replaced section 55(1)(b) in its entirety (June 26, 2023):***

56. (1) Minutes of the proceedings of a Committee must be
- (a) legibly recorded,
  - (b) certified by the recording secretary once approved by the committee
  - (c) signed by the chair or member presiding at the meeting, and
  - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### **Quorum**

57. (1) The quorum for a committee is a majority of its members.

### **Conduct and Debate**

#### ***Bylaw 2021-037 added 57(4) (Oct. 25, 2021):***

58. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
  - (3) A motion made at a meeting of a committee is not required to be seconded.
  - (4) Members of a committee must partake in bullying and harassment training, or any other training, as required.

### **Voting at Meetings**

59. (1) Council members attending a meeting of a committee of which they are not a member must not vote on a question.

## **PART 9 – COMMISSIONS**

### **Schedule of Commission Meetings**

60. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a Commission may call a meeting of the Commission in addition to the schedule meetings or may cancel the meeting.

### **Notice of Commission Meetings**

61. (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the times, dates, and places of the Commission 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 Commission.
- (2) Where revisions are necessary to the annual schedule of Commission meetings, the corporate officer must, as soon as possible but no later than 24 hours before the time of the first revised meeting, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Commission meeting.
- (3) The chair of a Commission must cause a notice of the date, time and place of a meeting called under subsection (2) to be given to all members of the Commission at least 24 hours before the time of the meeting.

### **Minutes of Commission Meetings to be Maintained and Available to the Public**

62. (1) Minutes of the proceedings of a Commission must be:
- (a) legibly recorded;
  - (b) signed by the Chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### **Quorum**

63. (1) The quorum of a Commission is a majority of all of its members.

### **Conduct and Debate**

64. (1) The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

## **PART 10 – GENERAL**

65. 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.
66. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.
67. Council Procedure Bylaw Number 2000-156 and all amending bylaws thereof, are hereby repealed.

Read a first time this 26<sup>th</sup> of November, 2018.

Read a second time this 26<sup>th</sup> day of November, 2018

Read a third time this 26<sup>th</sup> day of November, 2018.

Notice of intention to proceed with this bylaw was published on the 29<sup>th</sup> day of November and the 6<sup>th</sup> day of December, 2018 in the Summerland Review.

Adopted by the Municipal Council of the Corporation of the District of Summerland this 10<sup>th</sup> day of December, 2018.

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Mayor

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Corporate Officer