

# VILLAGE OF QUEEN CHARLOTTE

## BYLAW NO. 1-2005

### A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES

---

**WHEREAS** Section 124 of the *Community Charter* requires that the Council must, by bylaw, establish the procedures that are to be followed for the conduct of its business, including the manner by which resolutions may be passed, bylaws adopted, and to establish procedures that are to be followed in conducting meetings of select and standing committees of Council, and any other committee composed of Council members acting in that capacity;

**NOW THEREFORE** the Municipal Council of the Village of Queen Charlotte in an open meeting assembled enacts as follows:

#### **Part 1 – Introduction**

##### *Citation*

1. This bylaw may be cited for all purposes as “Village of Queen Charlotte Council Procedure Bylaw No. 1-2005”.

##### *Interpretation*

2. In this bylaw:

“**Committee**” means a standing, select or other committee of Council, but does not include Committee of the Whole (CoW).

“**Committee of the Whole (CoW)**” means the Committee of the Whole of Council.

“**Director of Corporate Services**” means the person responsible for corporate administration of the Village of Queen Charlotte and includes the Deputy Director of Corporate Services.

“**Council**” means the Council of the Village of Queen Charlotte.

“**Mayor**” means the Mayor of the Village of Queen Charlotte and during the absence, illness or other disability of the Mayor, includes a Councillor appointed as Acting Mayor.

“**Public Notice Posting Places**” means the notice board at the entrance of the Village Office.

“**Village**” means the Village of Queen Charlotte.

“**Village Office**” means the Village of Queen Charlotte Municipal office located at 903 Highway 33 in Queen Charlotte, B.C..

### ***Application***

3. (a) The provisions of this Bylaw govern the proceedings of Council, CoW, and all standing and select committees of Council, as applicable.
- (b) In cases not provided for under this Bylaw, the New Robert's Rules of Order, 10<sup>th</sup> Edition apply to the proceedings of Council, CoW, and Council committees to the extent that those rules are:
  - (i) applicable in the circumstances, and
  - (ii) not inconsistent with provisions of this Bylaw or the *Community Charter*

### **Part 2 – Council Meetings**

#### ***Inaugural Meeting***

4. (a) Following a general local election, the first Council meeting must be held on the first Monday in December in the year of the election.
- (b) If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (a), the first Council meeting must be called by the Director of Corporate Services and held as soon as reasonably possible after a quorum has taken office.

#### ***Time and Location of Meetings***

5. (a) All Council meetings must take place within the Village Office except when Council resolves to hold meetings elsewhere.
- (b) Regular Council meetings must:
  - (i) be held on the first and third Monday of each month, except for the month of August when no Regular meetings shall be held unless Council directs otherwise by way of calling a Special Meeting; and
  - (ii) begin at 7:30 p.m.
  - (iii) be adjourned by 10:30 p.m. on the day scheduled for the meeting unless two-thirds majority of Council resolves to proceed beyond that time;
  - (iv) when such meetings fall on a statutory holiday, be held on the next day the Village Office is open following which is not a statutory holiday; and
  - (v) unless Council, by resolution directs otherwise, statutory Public Hearings as required, shall be held immediately preceding a Regular meeting of Council.
- (c) CoW to be held on a quarterly basis or as determined by Council.

#### ***Notice of Council Meetings***

6. (a) In accordance with section 127 of the *Community Charter*, Council must prepare annually, on or before January 1<sup>st</sup>, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.

- (b) In accordance with section 94 of the *Community Charter*, Council must give notice annually on or before January 1<sup>st</sup> of the availability of the schedule of Regular Council meetings.
- (c) At least seventy-two hours before a meeting the Director of Corporate Services must give public notice of the time, place and date of the meeting by way of a notice posted on the Public Notice Posting Places and must give further notice of the meeting by:
  - (i) posting a copy of the notice at the regular council meeting place, and
  - (ii) leaving copies of the agenda at the reception counter of the Village Office for the purpose of making them available to members of the public.
- (d) At least seventy-two hours before a Regular Meeting of Council, the Corporate Administrator must provide a copy of the agenda to each member of Council.

***Notice of Special Meetings***

- 7. (a) A Special meeting, being a meeting other than a statutory, regular or adjourned meeting, may be called at any time by the Mayor, or upon request, by two or more members of the Council. A Special meeting may only be called for a specific purpose or purposes.
- (b) Except where notice of a Special meeting is waived by a unanimous vote of all Council members under section 127(4) of the *Community Charter*, at least twenty-four hours before a Special meeting of Council the Director of Corporate Services must:
  - (i) give advance public notice of the time, place and date of the meeting by way of a notice posted on the Public Notice Posting Places; and
  - (ii) leave one copy of the notice for each Council member in the Council member's file folder at the Village Office or provide said notice to each member of Council via email.
  - (iii) The notice under subsection (b) must describe, in general terms, the purpose of the meeting and be signed by the Mayor or the Director of Corporate Services.

**Part 3 – Designation of Member to Act in Place of Mayor**

- 8. (a) Annually in December, Council must, from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (b) Each Councillor designated under subsection (a) above must fulfill the responsibilities of the Mayor in his or her absence.
- (c) If both the Mayor and the member designated under section 8 (a) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.

- (d) The member designated under section 8 (a) or chosen under section 8 (c) has the same powers and duties as the Mayor in relation to the applicable matter.

#### **Part 4 – Council Proceedings**

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

- 9. (a) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (b) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (c) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
  - (i) CoW
  - (ii) Standing and Select Committees
  - (iii) Parcel Tax Review Panel
  - (iv) Board of Variance
  - (v) Advisory Planning Commission
- (d) Despite section 9(a), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 8 may expel or exclude from a Council meeting a person in accordance with section 16(c).

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

- 10. (a) Minutes of the proceedings of Council must be legibly recorded, certified as correct by the Director of Corporate Services and signed by the Mayor or other member presiding at the meeting,
- (b) Subject to subsection 10(c), and in accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at the Village Office during its regular office hours.
- (c) Subsection 10(b) 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***

- 11. (a) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with Part 3, section 8, must take the Chair and call such meeting to order. The presiding member has, for that purpose, all the powers of, and is subject to, the same rules as the Mayor.

- (b) Should both the Mayor and the member responsible for acting in place of the Mayor be absent and there is a quorum present the Director of Corporate Services must call to order the members present, and the members present must choose a member to preside at the meeting.

### ***Adjourning When no Quorum***

- 12. If there is no quorum of Council present within thirty (30) minutes of the scheduled time for a Council meeting, the Director of Corporate Services must record the names of the members present, and those absent, and adjourn the meeting until the next scheduled meeting.

### ***Agenda***

- 13. (a) Prior to each Council meeting, the Director of Corporate Services must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (b) The deadline for submissions by Council, staff and the public to the Corporate Administrator of items for inclusion on the Council meeting agenda must be 4:30 p.m. on the Wednesday prior to the scheduled meeting.
- (c) The Director of Corporate Services must make the agenda available to the members of Council and the public on the Friday afternoon prior to the meeting.
- (d) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 15.

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

- 14. (a) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
  - (i) Agenda Additions and/or Deletions
  - (ii) Approval of the Agenda
  - (iii) Adoption of Minutes
  - (iv) Presentations/Delegations
  - (v) Correspondence
  - (vi) Reports
  - (vii) Bylaws
  - (viii) Unfinished Business
  - (ix) New Business
  - (x) Public Participation
  - (xi) Special Business (In-Camera)
  - (xii) Adjournment
- (b) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

### ***Late Items***

15. (a) 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.
- (b) If the Council makes a resolution under section 15(a), information pertaining to late items must be distributed to the members.

### ***Rules of Conduct and Debate***

16. (a) Every member shall address himself/herself to the chair before speaking to any question or motion.
- (b) Members shall address the chair as “Your Worship” or “Mayor \_\_\_\_\_”, and shall refer to each other as “Councillor (surname)”.
- (c) No member shall speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or persons administering the Government of Canada or of this Province, nor shall he/she use offensive words in or against the Council or against any member thereof; nor shall he/she speak beside the Question in debate, and no member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded; nor shall he/she resist the rules of the Council or disobey the decision of the Mayor or of the Council on questions of order or practice, or upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, he/she may be ordered by the Council to leave his/her seat for that meeting, and in case of his/her refusing to do so he/she may, on the order of the Mayor, be removed therefrom by a peace officer; but in case of apology being made by the offender he/she may by vote of the Council be permitted to immediately retake his/her seat.
- (d) When two or more members commence to speak, the Mayor shall name the member who, in his/her opinion, first spoke; but a motion may be made that any member who has commenced to speak “be now heard” or “do now speak” (and such motion shall be treated as a point of order).
- (e) A member called to order from the chair shall immediately cease speaking, but may afterwards, on a point of privilege explain. The Council if appealed to, shall decide the case, but without debate. If there be no appeal, the decision of the Mayor shall be final.
- (f) No member may speak more than twice to the same question without leave of the Council, except in explanation of a material part of his/her speech, which may have been misconceived and in doing so he/she may not introduce new matter. A reply shall be allowed to a member who has made a substantive motion to the Council, but not to a member who has moved an amendment.
- (g) When a debate of a question is closed and the Council is ready for the question, the Mayor shall proceed to put the question “is the Council ready for the question?” (or words to the like effect). Having stated the question on which the decision of the Council is to be first given, he/she shall take the sense of the member by saying, “Those in favour of the question” (or amendment, as the case may be); “Those

opposed” (or words to the like effect). Members of Council shall vote by raising their hand. When the supporters and opponents of the question or amendment have given their vote for and against the same, the Mayor shall declare the result.

- (h) After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.
- (i) If the Mayor desires to leave the Chair for the purpose of taking part in the debate or otherwise, he/she shall call on the Acting Mayor, or in his/her absence, another Councillor to take his/her place until he/she resumes the Chair.

### ***Points of Order***

- 17. The Mayor, or the member presiding at the meeting of Council, must preserve order and decide points of order which may arise, subject to an appeal to the other Council members present.

### ***Appeal from Decision of Mayor***

- 18. (a) On an appeal by a Council member from a decision of the Mayor, the question as to whether the chair is to be sustained must be immediately put by the Mayor and decided without debate.
- (b) The Mayor must be governed by the vote of the majority of the other Council members present.
- (c) If the votes are equal, the question passes in the affirmative.
- (d) The names of the Council members voting for or against the question must be recorded in the minutes.
- (e) If the Mayor refuses to put the question under subsection (a),
  - (i) the Council must immediately appoint a member to preside temporarily,
  - (ii) that presiding member must proceed in accordance with subsection (a), and
  - (iii) a resolution or motion carried under this subsection is as binding as if carried under subsection (a).

### ***Voting on Questions***

- 19. (a) A Council member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- (b) Unless otherwise provided, all acts to be done by the Council, and all other questions, including adjournment that may come before the Council, must be done and decided by the majority of the Council members present at a meeting.

- (c) If the votes of the Council members present at the meeting at the time of the vote are equal for and against a question, the question is negatived and the presiding member must declare this result.
- (d) The names of those who vote against the question shall only be entered upon the minutes upon a request by either the Mayor or Councillor for a recorded vote. Further, if requested by Council, the Director of Corporate Services shall read aloud the names before the result of the vote has been declared in order that any mistake may be rectified.
- (e) When the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition shall be taken separately.

***Presentations, Delegations & Petitions***

- 20. (a) No person or group of persons wishing to appear before Council may do so unless he/she or they have first notified the Director of Corporate Services in writing in accordance with section 13. Such notification shall specify the matter or matters which the delegation intends to present to Council and, without the approval of Council expressed by motion, no delegation shall address Council on any matter not specified in the notification.
- (b) Every delegation shall be allowed a maximum time of ten minutes to present its petition or submission, unless extended by a two thirds vote of the Council, after which the Council may dispose of the petition or submission at the meeting, refer the subject matter to a committee or take such action as is deemed expedient.
- (c) Delegations to Council shall be limited to a maximum number to three per scheduled meeting. Further, that late delegations may be considered at the discretion of the Chair.
- (d) Every petition to be presented to Council shall be filed with the Corporate Administrator and shall include the name of each petitioner with his/her address and description of the property of which he/she is the owner of which he/she occupies in the municipality. In the case of a corporation, the authority given by the corporation to sign the petition shall be produced in connection therewith.

***Reports***

- 21. A standing or select committee or Commission of Council may report to the Council at any regular meeting or shall report as required by Council.

***Bylaws***

- 22. A Proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twenty-four hours before the Council meeting, or all Council members unanimously agree to waive this requirement.
  - (a) A bylaw introduced at a Council meeting must:
    - (i) be printed;

- (ii) have a distinguishing name;
  - (iii) have a distinguishing number;
  - (iv) contain an introductory statement of purpose;
  - (v) be divided into sections
- (b) Council must consider a proposed bylaw at a Council meeting either:
- (i) separately when directed by the presiding member or requested by another Council member, or
  - (ii) jointly with other proposed bylaws in the sequence determined by the presiding member.
- (c) The presiding member of a Council meeting may
- (i) have the Director of Corporate Services read a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - (ii) request a motion that the proposed bylaw or group of bylaws be read;
- (d) The readings of the bylaw may be given by stating its title and object
- (e) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (f) 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.
- (g) 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.
- (h) 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.

***New Business, Motions & Notices of Motions***

23. (a) Motions, other than routine motions (including motions to adopt a report, to receive and file, to refer to a Committee or an Official, to introduce or pass a bylaw or adjourn) and any amendments to motions, shall be put in writing and seconded before being debated or put from the chair.
- (b) A motion that has been seconded shall be read by the Mayor or Corporate Administrator before debate if so requested by any member of Council.
- (c) With the permission of Council, a motion may, at any time before decision or amendment, be withdrawn.
- (d) When a question is under consideration, no motion shall be received except for the following:
- (i) to refer to committee;
  - (ii) to amend;

- (iii) to lay on the table;
- (iv) to postpone indefinitely;
- (v) to postpone to a certain time;
- (vi) to move the previous question;
- (vii) to adjourn

A motion made under subsections 23 (iii) to (vii) is not amendable or debatable.

- (e) Amendments shall be decided upon before the main question is put to a vote. Only one amendment shall be allowed to an amendment.
- (f) A motion to refer the subject matter to a Committee, until it is decided, shall preclude all amendments to the main question.
- (g) A motion to adjourn the Council or to adjourn the debate shall always be in order, but if such motion is negatived, no second motion to the same effect shall be made until after some intermediate business or matter has been disposed of.

### ***Public Participation***

- 24. Council, recognizing the value and importance of the opinion of its residents, encourages public participation at meetings of Council. Therefore, at the discretion of the Chair, gives those in attendance the opportunity to ask questions and/or comment to Council as it relates to business outlined and discussed at that particular meeting.

### ***Committee of the Whole (CoW)***

- 25. (a) Any Council member may preside in Committee of the Whole.
- (b) The rules of Council shall be observed in Committee of the Whole, so far as many be applicable, except that in taking the ayes and nays, the names of Council members shall not be recorded, nor shall the number of times of speaking on any question be limited.
- (c) In case of a division being called for, the question shall be decided by a show of hands. The Director of Corporate Services shall count and decide the number on each side and the presiding member of the committee shall announce the result of the vote.
- (d) When all matters referred to a Committee of the Whole have been considered, a motion to adjourn and report to the next Regular Meeting of Council shall be adopted. At the next Regular Meeting of Council, the presiding member of the Committee of the Whole shall report to the Council and the adoption of the motions of the Committee of the Whole shall be moved.

### ***Standing and Select Committees***

- 26. (a) Pursuant to section 141 of the *Community Charter*, the Mayor may establish standing committees for matters the Mayor considers would be better dealt with by committee, and may provide for appointment as members of a standing committee

persons who are not Council members. At least one half of the members of a standing committee must be Council members.

- (b) Pursuant to section 142 of the *Community Charter* the Council may, from time to time, establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the Council. At least one member of a select committee must be a Council member.
- (c) Any member of the Council may be placed on a standing or select committee, notwithstanding the absence of such member at the time of being named upon such committee.
- (d) Members of the Council may attend the meetings of any of its committees and shall not be allowed to vote, but may be allowed to take part in any discussion or debate by permission of a majority of the Committee.
- (e) The general duties of all the standing committees of the Council shall be as follows:
  - (i) to consider and report to council from time to time or whenever desired by the Council and as often as the interest of the District may require, on all matters referred to them by the Mayor or Council or coming within their purview, and to recommend such action by Council in relation thereto as they, the Committee, deem necessary or expedient.
  - (ii) to carry out the instructions of the Council expressed by resolution in regard to any matter referred by the Council to any Committee for immediate action thereupon, but in such cases the instructions of the Council shall be specific and the Committee shall report its action in detail at the next meeting of the Council thereafter.
- (f) Every member who shall introduce a motion upon any subject which may require the appointment of a select committee shall be one of the committee.
- (g) Of the number of members appointed to compose any standing or select committee, a majority shall be a quorum competent to transact business.
- (h) In the transaction of business all standing and select committees shall adhere as far as possible to the rules governing proceedings in meetings of the Council.
- (i) A select committee shall, on completion of its assignment or on submitting its report to the Council, be automatically dissolved.

## **Part 5 – General**

- 27. 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.
- 28. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

READ A FIRST TIME this 7<sup>th</sup> day of December, 2005.

READ A SECOND TIME this 7<sup>th</sup> day of December, 2005.

READ A THIRD TIME this 7<sup>th</sup> day of December, 2005.

RECONSIDERED AND FINALLY ADOPTED THIS 19<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Corporate Services

I hereby certify that the above is true and correct copy of “Village of Queen Charlotte Procedure Bylaw No. 1-2005”, as adopted by Council of the Village of Queen Charlotte on the 19<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Director of Corporate Services