

VILLAGE OF KEREMEOS
Bylaw No. 793, 2011

Council Procedure Bylaw

The Council of the Village of Keremeos in open meeting assembled, enacts as follows:

PART 1 INTRODUCTION

Title

1. This bylaw may be cited as "Council Procedure Bylaw No. 793, 2011".

Definitions

2. In this bylaw:

Chief Administrative Officer (CAO) means the Chief Administrative Officer for the Village;

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

COTW means the Committee of the Whole Council;

Council means Council of the Village;

Mayor means the Mayor of the Village;

Public Notice Posting Place means on the window at the entrance to the Village Office;

Village means the Village of Keremeos;

Village Office means the Village Office located at 702 4th Street, Keremeos, BC.

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, 2nd edition, 1998, apply to the proceedings of Council, COTW, 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

4. (1) Following a general local election the first Council meeting must be held on the first Monday in December 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 CAO 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 Village Office except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
 - (a) be held on the first Monday of each month at 7:00 p.m. and on the third Monday of each month at 4:30 p.m., and
 - (b) be adjourned at 10:30 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 25;
 - (c) when such meeting falls on a statutory holiday, be held on the next day City Hall is open following which is not a statutory holiday
- (3) Regular Council meetings may:
 - (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and
 - (b) be postponed to a different day, time and place by the Mayor, provided the CAO is given at least 2 days written notice.

Notice of Council Meetings

6. (1) In accordance with section 127 of the *Community Charter* Council must prepare annually on or before December 15, 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 Place.
- (2) In accordance with section 127 of the *Community Charter*, Council must give notice annually of the time and duration that the schedule of regular Council meetings will be available beginning on December 15 in accordance with section 94 of the *Community Charter*.

Notice of special meetings

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 date, 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 in the Council chambers at Village Office,
 - (b) posting a copy of the notice at the Public Notice Posting Place, and
 - (c) leaving one copy of the notice for each Council member in the Council member's mailbox at the Village Office.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the CAO.

Electronic Meetings

8. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter* are met,
 - (a) a special Council meeting may be conducted by means of electronic or other communication facilities; and
 - (b) a member of Council or a Council Committee member who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.
- (2) The member presiding at a special council, council or council committee meeting must not participate electronically.
- (3) No more than two members of council at one time may participate at a council meeting under section 8(1)(b).

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

9. (1) Annually in December, Council must from among 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.
- (2) Each Councillor designated under section 9(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 9(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 9(3) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

***Community Charter* Provisions**

10. 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 [*Council Proceedings*]. The relevant extracts from the *Community Charter* are appended to this bylaw for convenient reference.

Attendance of Public at Meetings

11. (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) COTW,
 - (b) standing and select committees,
 - (c) parcel tax review panel,
 - (d) board of variance,
- (4) Despite section 11(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

12. (1) Minutes of the proceedings of Council must be
 - (a) legibly recorded,
 - (b) certified as correct by the CAO, 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 12(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 City Hall during its regular office hours.
- (3) Subsection 12(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

13. (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 CAO 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

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

Agenda

15. (1) Prior to each Council meeting, the CAO 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.
- (2) The deadline for submissions by the public to the CAO of items for inclusion on the Council meeting Agenda must be noon on the Wednesday prior to the meeting.
- (3) The CAO must make the agenda available to the members of Council on the Thursday afternoon prior to the meeting.
- (4) The CAO must make the agenda available to the public by 8:30 a.m. on the day of the meeting.
- (5) 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.

Order of proceedings and business

16. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Call to Order
 - (b) Approval of the Agenda
 - (c) Adoption of the Minutes
 - (d) Business Arising from Minutes and Unfinished Business
 - (e) Petitions and Delegations
 - (f) Correspondence
 - (g) Reports
 - (i) Mayor
 - (ii) Council Reports
 - (iii) Staff Reports
 - (iv) Other Reports
 - (h) Bylaws
 - (i) New Business
 - (j) Public Question Period
 - (k) Conclusion
- (2) 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.
- (3) Questions from the public during public question period must pertain to items on the Agenda.

Late Items

17. (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 section 17(1), information pertaining to late items must be distributed to the members.

Voting at meetings

18. (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 by asking for votes in favour and opposed;
 - (b) when the presiding member is putting the matter to a vote under paragraph (a) 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 (a) unless the interrupting member is raising a point of order;
 - (c) after the presiding member finally puts the question to a vote under paragraph (a), a member must not speak to the question or make a motion concerning it;
 - (d) the presiding member's decision about whether a question has been finally put is conclusive; and
 - (e) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
 - (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;
 - (g) The names of those who vote for, and those who vote against the question shall be entered upon the minutes only when a member calls for the ayes and nays, and the CAO shall read aloud the names before the result of the vote has been declared in order that any mistake may be rectified.

Delegations

- 19 (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application on a prescribed form has been received by the CAO by noon on the Wednesday prior to the meeting. Each address must be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) Where written application has not been received by the CAO as prescribed in section 19(1), an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- (3) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (4) The CAO may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (5) The CAO may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the CAO's

decision, the information must be distributed under separate cover to Council for their consideration.

Points of order

20. (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), and
 - (c) the presiding member may reserve the decision until the next Council meeting.

Conduct and debate

- 21 (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members 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
- (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
 - (d) 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) 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
 - (iv) with the permission of Council, or
 - (v) 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 5 minutes only with the permission of Council.

Motions generally

- 22. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another. The names of those who Move and Second a Motion will not be recorded as the purpose is only to bring a matter to debate.
- (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 adjourn;
 - (b) to table;
 - (c) to vote on previous question;
 - (d) to postpone;
 - (e) to refer;
 - (f) to amend.
- (4) A motion made under subsections (3)(a) to (d) 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.

Amendments generally

23. (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 decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (4) An amendment may be amended once only.
- (5) An amendment that has been negated by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) 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.

Reports from committees

24. Council may take any of the following actions in connection with a resolution it receives from COTW:
- (a) agree or disagree with the resolution;
 - (b) amend the resolution;
 - (c) refer the resolution back to COTW;
 - (d) postpone its consideration of the resolution.

Adjournment

25. (1) A Council may continue a Council meeting after 10:30 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

Reading and adopting bylaws

26. (1) The readings of the bylaw may be given by stating its title and object.

- (2) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (3) Subject to section 882 of the *Local Government Act [OCP adoption procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (4) In accordance with section 135 of the *Community Charter [requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (5) Despite section 135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with section 890(9) of the *Local Government Act [public hearings]*, 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

27. After a bylaw is adopted, and signed by the CAO and the presiding member of the Council meeting at which it was adopted, the CAO must have it placed in the City's records for safekeeping.

PART 6 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

28. (1) At any time during a council meeting, Council may by resolution go into COTW.
 - (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COTW.

Notice for COTW meetings

29. (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 Place; and
 - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 28, during a Council meeting for which public notice has been given under section 6 or 7.

Minutes of COTW meetings to be maintained and available to public

30. (1) Minutes of the proceedings of COTW must be
 - (a) legibly recorded,
 - (b) certified by the CAO, and
 - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Presiding members at COTW meetings and Quorum

31. (1) Any Council member may preside in COTW.
- (2) The members of Council attending a meeting of 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

32. 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

33. The following rules apply to COTW meetings:
 - (a) a motion is not required to be seconded;
 - (b) a motion for adjournment is not allowed;
 - (c) a member may speak any number of times on the same question;
 - (d) a member must not speak longer than a total of 10 minutes on any one question.

Voting at meetings

34. (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

35. (1) A motion for COTW to rise and report to Council must be decided without debate.
- (2) The COTW's reports to Council must be presented by the CAO.

Rising without reporting

36. (1) A motion made at a COTW meeting to rise without reporting
 - (a) is always in order and takes precedence over all other motions,
 - (b) may be debated, and
 - (c) may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting 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 7 – COMMITTEES

Duties of standing committees

37. (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 of 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 if the Council or Mayor does not specify a time.

Duties of select committees

- 38. (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

- 39. (1) At its first meeting after its establishment a standing or select 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

- 40. (1) Subject to subsection (2), 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 Place; 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 CAO must, as soon as possible, post a notice at the Public Notice Posting Place 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 day, time and place of a meeting called under section 39(2) to be given to all members of the committee at least 24 hours before the time of the meeting.

Attendance at Committee meetings

- 41. 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

- 42. Minutes of the proceedings of a committee must be
 - (a) legibly recorded,
 - (b) certified by the CAO, and

- (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Quorum

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

Conduct and debate

- 44. (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.

Voting at meetings

45. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

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*

48. Village of Keremeos Procedure Bylaw No. 666, 2003 and any amendments are repealed.

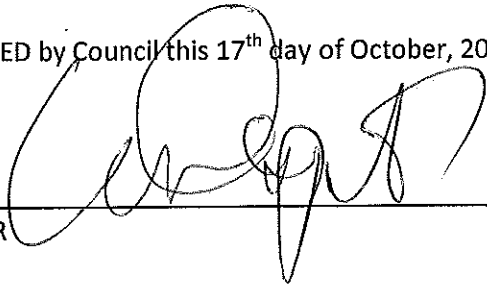
READ a first time this 3rd day of October, 2011

READ a second time this 3rd day of October, 2011

READ a third time this 3rd day of October, 2011

ADOPTED by Council this 17th day of October, 2011

MAYOR



CHIEF ADMINISTRATIVE OFFICER

