

**THE DISTRICT OF PEACHLAND**

**BYLAW No. 2063, 2013**

*A Bylaw to regulate the general procedures of Council and Council Committees in conducting their business*

*This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.*

Amended by: Bylaw No. 2094, 2014 Adopted on October 28<sup>th</sup>, 2014

Amended by: Bylaw No. 2101, 2015 Adopted on March 24<sup>th</sup>, 2015.

Amended by: Bylaw No. 2331, 2021 Adopted on October 26, 2021

Amended by: Bylaw No. 2345, 2022 Adopted on April 5, 2022

Amended by: Bylaw No. 2369, 2022 Adopted on December 6, 2022

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WHEREAS under Section 124 of the Community Charter, Council must establish procedures to be followed for the conduct of its business

NOW THEREFORE, the Municipal Council of the District of Peachland in open meeting assembled, enacts as follows:

**Title**

This bylaw may be cited for all purposes as the “Council Procedure Bylaw No. 2063, 2013”

**Repeal**

Council Procedure Bylaw Number 1704, 2004, including all subsequent amendments, is hereby repealed.

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**SECTION 1 - DEFINITIONS**

Unless otherwise defined in this bylaw, words used herein shall have the meaning defined in the *Community Charter* or the *Local Government Act*, as applicable.

“**CAO**” means the Chief Administrative Officer, the person duly appointed by council for the management of the District or his/her deputy;

“**Commission**” means a municipal commission established under Section 143 of the *Community Charter*;

“**Committee**” means a standing, select or other committee established or appointed by Council in accordance to Section 141 and 142 of the *Community Charter*;

“**COTW**” means the Committee of the Whole Council, that is conducted to provide opportunity to hear and interact with delegations with a greater freedom of debate by Council, as provided by this bylaw;

“**Corporate Officer**” means the individual appointed by Council as the officer assigned the responsibility of corporate administration under the *Local Government Act*, or his or her lawful deputy;

“**Council**” means the Council of the Corporation of the District of Peachland and includes committee when dealing with Committee of the Whole;

“**District**” means the Corporation of the District of Peachland;

“**District Office**” means the office of the Corporation of the District of Peachland, located at 5806 Beach Avenue, Peachland, B.C.;

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

“**In Camera Meeting**” means a meeting that is closed to the public in accordance with Section 90 and 92 of the *Community Charter*;

“**Presiding Member**” – means the Mayor, Acting Mayor, or other person appointed to preside over the meeting and maintains order and decorum

“**Public Notice Posting Places**” means the legal notice board maintained for display to the public located at the District Office and the Community Centre, for all purposes as defined by the *Community Charter*;

“**Quorum**” means the prescribed number of members of a body, that must be present to legally transact business. The quorum for Council and COTW consists of four members

“**Special Meeting**” means Council meeting other than a statutory regular meeting

## **SECTION 2 - INTERPRETATION AND APPLICATION**

### **2.1 Rules of Procedure**

Except as specifically provided, the rules and regulations contained in this bylaw shall be observed in all proceedings of the Council, and Committees of Council, and shall be the rules and regulations for the order and dispatch of business of the Council. Items not specifically addressed in the bylaw will follow firstly the guidance of the *Local Government Act and the Community Charter* and secondly, the most current edition of *Robert's Rules of Order, Newly Revised*.

### **2.2 Irregularity**

The failure of Council to observe the provisions of this bylaw shall not affect the validity of resolutions passed or bylaws enacted by Council

### **2.3 Severance**

If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the validity of the remaining portions of this bylaw

### **2.4 Amending Procedure Bylaw**

This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 (*public notice*) of the *Community Charter*

### **SECTION 3 - MEETING OF COUNCIL**

#### **3.1 Inaugural Meeting**

An Inaugural Council Meeting shall be held on the first Tuesday of the month following a general election of Council, unless a quorum of Council has not yet taken office in which case the inaugural Council Meeting shall be called as soon as reasonably possible after a quorum has taken office

#### **3.2 Location of Council Meetings and Public Hearings**

All Council meetings and public hearings shall take place at Council Chambers, 4450 6<sup>th</sup> Street, Peachland, B.C. unless Council passes a resolution to hold a particular meeting elsewhere or the meeting is conducted by means of electronic or other communication facilities.

- a) For meetings that are conducted by means of electronic or other communication facilities, the Corporate Officer will designate a location for the public to hear, or watch and hear, the meeting proceedings. A designated municipal officer must be in attendance at that location.

#### **3.3 Time of Council Meetings**

1. Regular Council Meetings shall be held on the second and fourth Tuesday of each month and only on the second Tuesday of the months July and August, and the first Tuesday in December unless established differently on the Council meeting schedule that is adopted by January 15<sup>th</sup> of each year
2. All Regular Council Meetings will commence at 6:00 p.m. and adjourned no later than 10:00 p.m. on the day scheduled for the meeting, unless Council resolves to proceed beyond
3. Public Hearings will be scheduled as needed
4. Committee of the Whole Meetings will commence at 9:00 am, unless otherwise posted in the meeting notice

#### **3.4 Date of Regular Meetings**

1. Regular Council Meetings for each year must be held in accordance with the schedule of dates and times adopted by Council prior to January 15<sup>th</sup> of each year
2. Regular Council Meetings may be cancelled by Council, provided that two consecutive meetings are not cancelled and be postponed to a different day, time and place by the Mayor

#### **3.5 Public Notice Posting Place**

For the purpose of giving notices under section 94 of the *Community Charter*, the public notice posting place is the enclosed display boards at the front doors of the District Office and the Community Centre

#### **3.6 Notice of Meetings**

1. The schedule of dates, times and location of Regular Council Meetings for each calendar year shall be posted on the Public Notice Posting Place and published prior to January 31<sup>st</sup> of that year
2. Where revisions are necessary to the annual schedule of Regular Council Meetings, the Corporate Officer must, as soon as possible, post a notice at the

Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council Meeting

3. Public notice of a Special Council meeting may be waived by unanimous vote of all Council members

### **3.7 Special Meeting**

1. The Mayor or, in the absence of the Mayor, the Acting Mayor, may at any time call a special meeting of Council
2. Two or more members of Council may, in writing, request the Mayor to call a special meeting of Council.
3. Two or more Council members may call a special meeting of Council if:
  - a) within 24 hours after receiving a request under subsection 2, the Mayor refuses or neglects to arrange for a special Council meeting to be held within 7 days after receiving the request, or
  - b) the Mayor is absent
4. If a Special Council Meeting is called under subsection 3, the members calling the meeting or the corporate officer must sign the notice under section 3.8

### **3.8 Notice of Special Council Meetings**

1. Except where notice of a special meeting is waived by unanimous vote of all Council members, a notice of the date, time and location of a Special Open Council Meeting must be given at least 24 hours before the time of meeting by:
  - a) posting notice on the Public Notice Posting Place
  - b) leaving a copy of the notice for each Council member at the place the member has directed that notices be sent
2. The notice of the Special Council Meeting must describe in general terms the purpose of the meeting and be signed off by the Mayor or Corporate Officer

### **3.9 Electronic Meetings and Participation by Members**

#### **1. Electronic Meetings**

Provided the conditions set out in the Community Charter are met:

- a) A Special Council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.
- b) A Regular Council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.

#### **2. Participation by Members in Electronic Meeting**

Provided the conditions set out in the Community Charter are met:

- a) A member of Council who is unable to attend at Regular Council, Special Council meeting may participate in the meeting by means of electronic or other communication facilities.
- b) The member presiding at a Regular Council or Special Council meeting

must not participate electronically unless the meeting is conducted by means of electronic or other communication facilities.

### **3.9.1 Committee of the Whole (COTW)**

1. All members of the Committee of the Whole must be Council members and all members of Council are members of the Committee of Whole
2. 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 District's business, is a meeting of COTW
3. The rules of procedure and order which govern Regular Council Meetings shall govern the actions of the Committee of the Whole, except no motion needs to be seconded and the number of times a member may speak on an issue shall not be limited.

### **3.9.2 Statutory Public Hearings**

1. Subject to subsection 2, Council must not adopt a community plan bylaw or zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representation to the Council respecting the proposed bylaw
2. Council may waive the holding of a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is subject to the bylaw and the proposed bylaw is consistent with the plan
3. The conduct of a Statutory Public Hearing shall be in accordance with the Public Hearing Protocol attached to this bylaw as Schedule 'A'.

### **3.10 Notice of Electronic Meetings**

1. For a meeting conducted by means of electronic or other communication facilities, the Corporate Officer must give notice, in the same manner as provided for a Regular Council meeting in section 3.6 of this bylaw or for a Special Council meeting in section 3.8 of this bylaw and shall include:
  - a) The meeting agenda, including confirmation of the time and date;
  - b) The way in which the meeting is to be conducted; and
  - c) The place where the public may attend to hear, or watch and hear, the proceedings

## **SECTION 4 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

### **4.1 Annual Designation of Member to Act in Place of Mayor**

1. On or before January 15<sup>th</sup> of each year, Council must, from amongst its members, designate a member(s), for a defined period of that year, to serve 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. If both the Mayor and the Acting Mayor are absent from a Council meeting, the Council members presents must choose a Councillor to reside at the Council meeting, by a show of hands

## **SECTION 5 - COUNCIL PROCEEDINGS**

### **5.1 Public Attendance at Meetings**

1. Except where the provisions of section 90 of the *Community Charter (meetings that may or must be closed to the public)* apply, all 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) Special Open Council Meeting;
  - b) Committee of the Whole;
  - c) Standing or Select Committee;
  - d) Parcel Tax Review Panel;
  - e) Board of Variance;
  - f) Commissions; and
  - g) Advisory body established by Council

### **5.2 Minutes of meetings to be maintained and available to the public**

1. Minutes of the proceedings must be
  - a) legibly recorded;
  - b) certified as correct by the Corporate Officer; and
  - c) signed by the Mayor or other member who presided at the meeting
2. Minutes of Electronic Meetings  
The minutes of an Electronic Meeting will show the members present including those participating electronically
3. Minutes or portions of minutes of Council meetings that are available to the public must be open for public inspection at Municipal Hall during its regular office hours

### **5.3 Opportunities to Address Council**

1. The Council may allow an individual or a delegation to address Council or COTW at a meeting (including an In Camera meeting) on the subject of an Agenda item, provided written application or delegation form has been received and approved by the Corporate Officer by **12 noon on the Tuesday** prior to the meeting. Each address must be limited to 10 minutes unless longer period is agreed with the consent of those members present. The Mayor may approve a longer



time limit, if the presenter gives notice to the Corporate Officer that they require more time than 10 minutes because of the nature of their topic.

2. Delegations and presentation times frames will be noted on the meeting agenda
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 prerequisite to the adoption of the bylaw
4. The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the Delegation
5. 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. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration
6. Persons who are authorized to present at a Council meeting and who are unable to attend in Council Chambers may participate in the meeting by means of electronic or other communication facilities.

#### **5.4 Calling a Meeting to Order**

As soon after the time specified for a Council meeting a quorum is present, the Mayor, or other member presiding at the meeting under section 4, shall call the Council meeting to order

#### **5.5 Quorum**

The quorum for statutory, regular, special meetings of Council and Committee of the Whole shall be four elected members; and for the meetings of Committees appointed by Council shall be sufficient to constitute a majority of the persons so appointed to the Committee

#### **5.6 Lack of Quorum**

If there is not quorum within fifteen minutes of the time set for the commencement of a duly scheduled meeting, the Corporate Officer shall record the names of the members present and those absent, and adjourn the meeting until the next scheduled meeting

#### **5.7 Question Period**

Question period is at the end of each Council meeting prior to adjournment. The following protocol will apply to question period:

- The speaker must ask a question
- Each speaker will be allowed 3 mins to ask questions
- Question period will be limited to 30 minutes in total, unless Council approves additional time with majority consensus of members at the meeting
- There will not be question period at Council meetings during General Local Elections between the date of declared candidates and the day after general voting day

## **SECTION 6 - AGENDA AND ORDER OF BUSINESS**

### **6.1 Agenda**

1. Prior to each Council Meeting and COTW Meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at the meeting, noting in short form a summary for each item on the Agenda. The agenda must be made available to the members of Council **at least 5 days prior to a regularly scheduled meeting. Agendas for all other meetings must be available at least twenty-four hours prior to the scheduled meeting**
2. The deadline for submissions to the Corporate Officer of items for inclusion on the meeting agenda must be **12:00 p.m. on the Tuesday** prior to the meeting.
3. 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 6.3
4. Council agenda item “Questions Between Council Members/Council Statements” is intended to be used for the purpose of:
  - Highlighting a matter of interest or sharing important information for the benefit of the Council members;
  - Checking the level of interest of the Council members in a matter, to determine whether it should be brought forward in a more formal manner;
  - Raising a concern that the member wishes to draw to the attention of the Council.
5. Council agenda item “Urgent Business” is intended to be used for consideration of time sensitive matters and matters that require Council’s immediate and urgent consideration.

Urgent Business should be brief and use of it should be limited, as it will not have benefited from appearing on the agenda available to the public.

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

1. The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda, as prepared by the Corporate Officer, except that, when necessary for the better conduct of business, an item may be taken out of its order by Council resolution.
2. The usual order of business at a regular meeting of Council shall be as set out under the appropriate headings and sub-headings identified in the Order of Business attached to this Bylaw as Schedule ‘B’.
3. The usual order of business at a Committee of the Whole meeting shall be as set out under the appropriate headings and sub-headings identified in the Order of Business attached to this Bylaw as Schedule ‘C’.

### **6.3 Late Items**

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.

### **6.4 Adjournment or Extension of Meetings**

In the event that any meeting of Council is still in session at 10:00 p.m., the presiding

member shall declare the meeting adjourned to another date and time, unless it is otherwise determined by Council resolution to extend the meeting.

**SECTION 7 - VOTING AT MEETINGS**

**7.1 Decision of Council by Voting**

Unless otherwise provided, all acts to be done by the Council, and all other questions, that come before the Council must be done by voting and decided by a majority of the members present at a meeting

**7.2 Voting at Closure of Debate**

When debate on a matter is closed, the presiding member must put the matter to a vote of Council members

**7.3 Voting by Show of Hands**

When the Council is ready to vote, the presiding member must ask for a show of hands of Council members, indicating those in favour and those opposed. Electronic attendees may give a verbal vote

**7.4 Prohibited Actions During Voting**

1. After the presiding member finally puts the question to a vote, a member must not speak to the question or make a motion concerning it
2. The presiding member's decision about whether a question has been finally put is conclusive

**7.5 Results of Voting**

The presiding member must declare the result of voting by stating that the question is decided in either the affirmative or the negative.

**7.6 Recording of Vote**

1. The manner of determining the decision of the Council on a motion shall be by show of hands. The Minutes shall record the results of the vote as either CARRIED or DEFEATED.
2. Members voting in opposition to the motion shall have their names recorded in the Minutes

**7.7 Abstention Deemed Affirmative**

A member present at the meeting at the time of the vote, who abstains from voting, is deemed to have voted in the affirmative

**7.8 Equal Votes**

If the votes of the members present at the meeting are equal for and against a question, the question is defeated and the presiding member must declare this result

**7.9 Council Member Declaration if Not Entitled to Vote (Conflict of Interest)**

1. If a member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or vote on a question in respect of a matter, because the member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why the member considers this to be the case.
2. After making the declaration the member:

- (a) must not take part in the discussion on the matter and is not entitled to vote on any question in respect of the matter;
  - (b) must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
  - (c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect to the matter
3. When the declaration is made
- (a) the person recording the minutes of the meeting must record the member's declaration, the reasons given for it and the times of the member's departure from the meeting room and, if applicable, of the member's return, and
  - (b) the presiding member must ensure that the member is not present at the time of any vote on the matter
4. Whether or not a declaration is made under subsection (1), if a member has a direct or indirect pecuniary interest in a matter, the member must not:
- (a) participate in the discussion of the matter, or
  - (b) vote on a question in respect of the matter, or
  - (c) attempt in anyway, whether before, during or after the meeting, to influence the voting on any question in respect of the matter
5. Subsection 4 does not apply
- (a) if the pecuniary interest of the member is a pecuniary interest in common with electors of the municipality generally,
  - (b) if the matter relates to remuneration or expenses payable to one or more members in relation to their duties as members, or
  - (c) if the pecuniary interest is so remote or insignificant that it cannot be reasonably regarded as likely to influence the member in relation to the matter

## **SECTION 8 - POINTS OF ORDER**

### **8.1. Authority of Presiding Member**

1. Without limiting the presiding member's duty under section 132(1) of the *Community Charter (authority of presiding member)*, 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) the presiding member may reserve the decision until the next Council meeting

## **SECTION 9 - RULES OF CONDUCT AND DEBATE**

### **9.1 Recognition and Speaking Order**

1. Every member shall address the presiding member prior to speaking to any question or motion and the members shall confine themselves to the issue before Council
2. When two or more members wish to speak, the presiding member shall call on the member who, in the presiding member's opinion, first indicated desire to speak
3. When the presiding member desires to speak, any member of Council desiring to speak at the same time shall cede to the presiding member

### **9.2 Manner of Addressing Council**

1. All discussion, questions or comments should be addressed to the Presiding Officer.
2. A person must refer to the Mayor as "Your Worship", "Mister or Madame Mayor", as the case may be, or by the Mayor's surname preceded by "Mayor"
3. A person must refer to a Councillor by that Councillor's surname preceded by "Councillor"

### **9.3 Respectful Behaviour**

1. 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 rule of procedure established under this Bylaw and to the decision of the presiding member and Council in connection with the rules and points of order
  - (f) who are called to order by the presiding member must immediately stop speaking
2. If a member does not adhere to subsection 9.3(1)(e), the presiding member may order the member to leave the member's seat
3. If the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat
4. 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

## **SECTION 10 - MOTIONS**

### **10.1 Movers & Seconders**

Every motion must be moved and seconded before it is deemed to be in the possession of the Council

**10.2 Recording of Motions in Minutes**

The names of those who opposed a motion shall be recorded in the minutes

**10.3 Division of Motion**

The presiding member, at the request of a member, shall divide any motion containing more than one subject or issue

**10.4 Motions Permitted While Matter Under Debate**

A Council member may make only the following motions, when a matter is under consideration:

MOTION	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED	DEBATE	AMEND	VOTE REQUIRED FOR ADOPTION
to refer to committee;	no	yes	yes	yes	majority
to amend;	no	yes	yes	yes	majority
to defer consideration to another meeting	no	yes	yes	yes	majority
to lay on the table ( <i>to lay the pending question aside temporarily when something else of immediate urgency has arisen</i> )	no	yes	no	no	majority
to postpone indefinitely	no	yes	yes	no	majority
to postpone to a certain time	no	yes	yes	yes	majority
to move the previous question	no	yes	no	no	2/3
to adjourn	no	no	no	no	majority

**10.5 Motion to Commit**

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

**10.6 Motion for the Main Question**

1. In this section, “main question,” in relation to a matter, means the motion that first brings the matter before 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 to the negative, the Council may again debate the question, or proceed to other business

#### **10.7 Amendments Generally**

1. A Council member may, without notice, move to amend a motion that is being considered at a Council meeting
2. An amendment may propose removing, substituting for, or adding to the words of an original motion
3. A proposed amendment must be reproduced in writing by the mover if requested by the presiding member
4. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question
5. An amendment may be amended 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
9. A “Friendly Amendment” is an amendment offered by someone who is supportive of the purpose of the main motion (presumably to the satisfaction of the mover), or will increase the chance of the main motion being adopted. A “Friendly Amendment” is to be debated and voted upon, unless adopted by unanimous consent.

#### **10.8 Reconsideration by Council Member**

1. A member who voted with the majority either for or against a motion may give notice at the same or next regular meeting of the member’s intent to introduce, at the next regular meeting, a motion for reconsideration of the question
2. The Mayor may require Council to reconsider and vote again on a matter that was subject of a vote, at the same Council meeting or within 30 days following the original Council meeting, in accordance with Section 131 of the *Community Charter*



3. A Council member who voted affirmatively for a resolution adopted by Council may at any time vote to rescind that resolution
4. Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative
5. Council may only reconsider a matter that has not:
  - (a) had the assent of the electors;
  - (b) already been a reconsidered

#### **10.9.1 Privilege**

1. A matter of privilege pertains to ranking the order of motions. In this section, the following motions have privilege:
  - (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 purpose of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it

#### **10.9.2 Adjournment**

1. A Council may continue a Council meeting after 10:00 p.m. only by 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

### **SECTION 11 – BYLAWS**

#### **11.1 Title and Bylaw Number**

All proposed bylaws must be presented in written form with a bylaw number assigned to it and a concise title indicating the purpose

#### **11.2 Bylaws to be considered separately or jointly**

- (a) separately when directed by the presiding member or requested by another Council member, or

- (b) jointly with other proposed bylaws in the sequence determined by the presiding member

### **11.3 Reading and Adopting Bylaws**

1. Unless there is a statutory requirement for an approval or other act to be completed before a reading of a bylaw, a bylaw may be given up to 3 readings at one meeting of Council
2. There must be a least one day between the third reading and the adoption of a bylaw, except that an official community plan or zoning bylaw may be adopted at the same meeting at which the plan or bylaw passed third reading
3. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*
4. Once adopted, a bylaw must be signed by the presiding member, of the meeting at which it was adopted, and the Corporate Officer. The Corporate Officer must have the adopted bylaw placed in the District's records for safekeeping

### **11.4 Effective Date of Bylaw**

- A Bylaw comes into force on the later of:
- (a) The date it is adopted by Council
  - (b) A date set by the bylaw

### **11.5 Amendment and Repeal**

Subject to other enactments, a bylaw once adopted may only be amended or repealed by a bylaw processed in the same manner as the original bylaw

### **11.6 Rescinding Bylaw Readings**

1. Subject to other enactments, the Council may rescind the most recent reading of a proposed bylaw, other than first reading, and then give the proposed bylaw that reading with or without amendment
2. A resolution is required to rescind a reading of proposed bylaw, and to amend the proposed bylaw

### **11.7 Consolidation of Bylaws**

The Corporate Officer may consolidate one or more of the bylaws of the District in accordance with the *Community Charter*

## **SECTION 12 - RESOLUTIONS**

### **12.1 Introduction of a Resolution**

1. A resolution may be introduced at a Council Meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council Meeting, or all Council members unanimously agree to waive this requirement
2. 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

## **SECTION 13 - COMMITTEE OF THE WHOLE**

### **13.1 Definition**

1. A “Committee of the Whole” is a session of Council during which delegations from organizations and/or other members of the public are provided opportunity to make representation to Council regarding a specified topic. The meeting also provides a more informal venue for discussion of items requiring a more open exchange between either staff and/or delegations and members of Council
2. In addition to subsection 13.1(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 District’s business, is a meeting of COTW

### **13.2 Protocol**

1. At any time during a Council meeting, Council may by resolution go into COTW

### **13.3 Notice for COTW Meetings**

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; and
  - (b) leaving a copy of the notice for each Council member in the Council member’s designated area to receive agendas
2. Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 13.2, during a Council meeting for which public notice has been given under section 3.6

### **13.4 Minutes of COTW meetings to be maintained and available to the public**

Minutes of the proceedings of COTW must be conducted in the same manner as section 5.2 (Council Minutes)

### **13.5 Presiding Members of COTW meetings and Quorum**

1. The Mayor or member designated to act in the place of the Mayor is the presiding member of the Committee of the Whole. If that member should be absent, the meeting shall be presided over by the next member, following the rotation established in section 4.1, who is present at the meeting
2. The quorum of COTW is the majority of Council members

### **13.6 Points of Order at Meeting**

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.

### **13.7 Conduct and debate**

The following rules apply to COTW meetings:

- (a) a motion is not required to be seconded;

- (b) a member may speak any number of times on the same question;
- (c) a member must not speak longer than a total of 10 minutes on any one question

- 13.8 Voting**
- (a) Votes at a COTW meeting must be taken by a show of hands. Electronic attendees may give a verbal vote
  - (b) The presiding member must declare the results of voting

## **SECTION 14 - COMMITTEES**

### **14.1 Establishment of Committees**

1. **Standing Committee of Council**  
The Mayor must establish standing committees for matters the Mayor considers would be better dealt with by committee and must appoint persons to those committees.
  - (a) At least half of the members of the standing committee must be council members
  - (b) Subject to subsection (a), persons who are not council members may be appointed to a select committee
  
2. **Select Committee of Council**  
Council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to Council
  - (a) At least one member of a select committee must be a council member
  - (b) Subject to subsection (a), persons who are not council members may be appointed to a select committee
  
3. 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
  
- 4.. When a committee is established, Council will, by resolution (or bylaw, if required by the legislation):
  - (a) name the committee;
  - (b) establish the terms of reference for the committee;
  - (c) establish the composition of the committee and term of appointment of the committee members;
  - (d) establish the requirements for reporting to Council; and,
  - (e) allocate any necessary budget or other resources required to support the activities of the committee

5. All committees appointed by Council shall conduct their business in accordance with this bylaw
- 6.. No action of any committee, except where power to act is expressly conferred on the committee, shall be binding on the Corporation, unless Council has approved such action

#### **14.3 Schedule of Committee Meetings**

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

#### **14.4 Notice of Committee Meetings**

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 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, 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 provide a notice of the day, time and place of a meeting called under section 14.3 to be given to all members of the committee at least 24 hours before the time of the meeting

#### **14.5 Attendance at Committee Meetings**

1. Council members who are not members of a committee may attend the meetings of the committee
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, but is not to be counted as part of a quorum, nor has the right to make motions or have a vote
3. The Mayor shall be an ex-officio member of all committees, with the right to make motions, speak and vote, and when present, shall be counted in determining a quorum

#### **14.6 Electronic Committee Meetings**

1. Committee meetings may be conducted by means of electronic or other communication facilities and committee members may participate by means of electronic or other communication facilities in accordance with sections 3.9(2) and 5.3(6) of this bylaw.
2. For a Committee meeting conducted by means of electronic or other communication facilities, public notice will be given in the same manner as provided for in section 3.10 of this bylaw.

**14.7 Chairperson of Committees**

The members of each committee shall appoint a chairperson to preside at meetings in the absence of the chairperson the committee members in attendance shall choose one of their members to preside at the meeting

**14.8 Minutes and Quorum**

1. Minutes of the proceedings of a committee must be
  - a) legibly recorded;
  - b) certified by the Corporate Officer
  - c) signed by the chair or member presiding at the meeting; and
  - d) open for public inspection in accordance with the *Community Charter (other records to which public access must be provided)*
2. Minutes of Committee meetings shall be submitted to Council for information during a Regular Meeting
3. The quorum for a committee is a majority of all its members

**14.9 Conduct and Debate**

1. The rules of the Council procedures must be observed during committee meetings, as far as is possible, unless otherwise provided in this Bylaw
2. A motion made at a committee is not required to be seconded

**14.10 Conflict of Interest**

Committee members must follow the same protocol as Council with respect to Conflict of Interest, section 7.9

**14.11 Voting Rules for a Committee Meeting**

Voting at committee meetings shall be conducted in accordance to section 7 of this bylaw

READ A FIRST TIME, this 22<sup>nd</sup> day of October, 2013

READ A SECOND TIME, this 22<sup>nd</sup> day of October, 2013

READ A THIRD TIME, this 22<sup>nd</sup> day of October, 2013

RESCIND THIRD READING, this 12<sup>th</sup> day of November, 2013

READ A THIRD TIME AS AMENDED, this 12<sup>th</sup> day of November, 2013

FINALLY RECONSIDERED AND ADOPTED, this 26<sup>th</sup> day of November, 2013

\_\_\_\_\_  
Mayor

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

Dated at Peachland, B.C.  
This 26<sup>th</sup> day of November, 2013

**SCHEDULE “A”**  
**PUBLIC HEARING PROTOCOL**

**PURPOSE:**

To provide guidelines for the procedures of and the participation in Public Hearings of Council

**DEFINITION:**

A “Public Hearing” is a statutory requirement under the *Local Government Act*. A Public hearing must be held after the second reading, and before the third reading, of an Official Community Plan or Zoning Bylaw. During a Public Hearing, Council acts in a quasi-judicial role for purposes of allowing the public to make representation on matters contained within the bylaw.

**PROTOCOL:**

All persons who believe that their interest in property is affected by a proposed bylaw must be afforded a reasonable opportunity to be heard or to submit written submissions.

When there are a large number of people wishing to speak, a speaking list will be available for the public to sign. For those persons who do not sign the lists, or arrive too late to sign the lists, the presiding member shall ask three times, “Are there any other persons wishing to speak to this bylaw”, before declaring that the hearing on that particular bylaw is closed.

The Order of Business at a Public Hearing will proceed as follows for each bylaw:

- (a) Open Public Hearing and Introduction of Bylaw
- (b) Presentation by staff
- (c) Presentation from Applicant
- (d) Representation from the public
- (e) Close (or adjourn) Public Hearing

The role of Council is to hear representation from those persons who wish to provide comments regarding the proposed bylaw. Everyone who wishes to speak shall be given the opportunity to be heard. No one will be, or should feel, discouraged or prevented from making his or her views known. However, it is important that all who speak at these meetings restrict their remarks to matters contained in the bylaw, and it is the responsibility of the presiding member of the Public Hearing to ensure that remarks are so restricted.

Members of Council may, if they so wish ask questions following the presentation. However, the main function of Council members is to listen to the views of the public. It is not the function of Council at the Public Hearings to debate the merits of the proposed bylaw with individual citizens.

No decision will be made at the Public Hearings, but the entire proceedings will be considered by Council at a subsequent meeting.

Written submissions received prior to the Public Hearing shall be circulated to Council and recorded as part of the official record by the Corporate Officer

No further information or representations can be considered by Council after the public hearing is closed.

**SCHEDULE “B”**  
**REGULAR COUNCIL MEETING – ORDER OF BUSINESS**

**PURPOSE:**

To identify the usual Order of Business for Regular Meetings of Council.

**ORDER OF BUSINESS:**

The Agenda for all Regular Council Meetings contains the following matter in the order in which they are listed below:

- 1. CALL TO ORDER**
- 2. CONFIRMATION OF AGENDA**
- 3. CONFIRMATION OF MINUTES**
- 4. PRESENTATIONS & DELEGATIONS**
- 5. COUNCIL COMMITTEE REPORTS**
- 6. BYLAWS**
  - 6.1 Planning Related Bylaws
  - 6.2 Other Bylaws (Non-Planning Related)
- 7. UNFINISHED BUSINESS**
- 8. ITEMS FROM ADMINISTRATION**
- 9. URGENT BUSINESS**
- 10. COUNCIL BUSINESS**
  - 10.1 Mayor and Council Reports from Committees in Which They Sit
  - 10.2 Questions Between Council Members/Council Statements
  - 10.3 Notice(s) of Motion
- 11. CORRESPONDENCE**
- 12. QUESTION PERIOD**
- 13. IN CAMERA**
- 14. ADJOURNMENT**



**SCHEDULE “C”**  
**COMMITTEE OF THE WHOLE – ORDER OF BUSINESS**

**PURPOSE:**

To identify the usual Order of Business for Committee of the Whole meetings.

**ORDER OF BUSINESS:**

The Agenda for all Committee of the Whole meetings contains the following matter in the order in which they are listed below:

1.     **CALL TO ORDER**
2.     **CONFIRMATION OF AGENDA**
3.     **CONFIRMATION OF MINUTES**
4.     **PRESENTATIONS AND DELEGATIONS**
5.     **ITEMS FOR DISCUSSION**
6.     **ADJOURNMENT**