



CORPORATION OF THE VILLAGE OF HAZELTON

BYLAW NO. 462, 2013

A bylaw to regulate the meetings of Council and committees

WHEREAS under section 124 of the *Community Charter* Council must, by bylaw, establish the procedures to be followed by Council and Council Committees in conducting their business;

NOW THEREFORE Council for the Corporation of the Village of Hazelton, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “COUNCIL PROCEDURE BYLAW NO. 462, 2013”.

Definitions

2. In this Bylaw,

“Municipality” means the Village of Hazelton;

“Village Office” means the offices located at 4310 Field Street, Hazelton, British Columbia;

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

“COTW” means the Committee of the Whole Council;

“Corporate Officer” means the officer assigned responsibility for corporate administration for the Village of Hazelton;

“Council” means the Council of the Village of Hazelton;

“Mayor” means the Mayor of the Village of Hazelton;

“Public Notice Posting Places” means the notice board at the Village office located at 4310 Field Street, Hazelton, and the Village website;

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

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole, Commissions and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the most recent edition of *New Robert's Rules of Order*, will 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 Tuesday in December in the year of the election.

Regular Meetings

5. (1) All Council meetings will take place within the Village Office except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings will, generally
 - (a) be held at least once per month in accordance with the schedule established and approved by Council, and
 - (b) begin at 7:30 p.m.;
 - (c) be adjourned at 10:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time by resolution of Council.
- (3) Regular Council meetings may:
 - (a) be cancelled or postponed by Council resolution,
 - (b) be postponed to a different day, time and place by the Mayor, provided the corporate officer is given at least 2 days written notice:
 - (c) be rescheduled to the next regular meeting date by the corporate officer if quorum is not available.

Notice of Meetings

6. (1) Annually in December, the corporate officer will prepare a schedule of the dates, times and places of regular Council meetings for adoption by the Council and make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) Council must give notice annually in accordance with section 94 of the *Community Charter* that the schedule of regular Council meetings is available to the public, and where a copy of the schedule can be obtained.
- (3) Where revisions are necessary to the annual schedule of regular Council meetings, the corporate officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

Notice of Special Meetings

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 at the Public Notice Posting Places; and
 - (b) 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 Corporate Officer.

Electronic Meetings and Participation by Members

8. (1) Subject to section 128 of the *Community Charter*,
 - (a) a special meeting may be conducted by means of electronic or other communication facilities:
 - (b) a member of Council or a Council Committee member who is unable to attend at a Council meeting or Council Committee meeting, may participate in the meeting by means of electronic or other communication facilities.
- (2) The member presiding at a special council or council committee meeting must not participate electronically.

- (3) The majority of Council or committee members must be present in person at the meeting.

Acting Mayor

- 9. (1) Annually in December, Council must, from amongst its members, designate a Councillor 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) 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 3 – COUNCIL PROCEEDINGS

Attendance of the Public at Meetings

- 10. (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*.

Minutes of Meetings

- 11. (1) Minutes of the proceedings of Council must be kept in accordance with section 97 of the *Community Charter*.
- (2) Minutes of Committee meetings referred to in section (3) must be kept in accordance with section 97 of the *Community Charter*.
- (3) Section (2) applies to meetings of select or standing committees of Council and any other body composed solely of Council members acting as Council members.

Calling the Meeting to Order

12. (1) As soon after the time specified for a Council meeting, with quorum present, the Mayor must take the Chair and call the Council meeting to order. Where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor must take the Chair and call the 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 do not attend within 15 minutes of the scheduled time for a Council meeting:
 - (a) the Corporate Officer must call to order the members present, and
 - (b) the members present must choose a member to preside at the meeting.

No Quorum

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

Agenda

14. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 12:00 noon on the Wednesday prior to the meeting.
- (3) The Corporate Officer must make the agenda available to the members of Council and the public on the Friday afternoon prior to the meeting.
- (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 16.
- (5) Whenever practical, the Agenda for a Council meeting shall have attached to it copies of all communications, reports, resolutions, and bylaws to be considered at the meeting.

Order of proceedings and business

15. (1) The order of 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) Adoption of the Agenda
 - (c) Adoption of the Minutes
 - (d) Petitions and Delegations
 - (e) Business Arising from the Minutes
 - (f) Reports and Recommendations
 - (g) Bylaws
 - (h) Correspondence
 - (i) Late Items
 - (j) Council Reports
 - (k) Public Question Period
 - (l) Adjournment
- (2) When preparing the agenda the Mayor and the Corporate Officer may in their discretion, vary the order as set out in section 15(1) or delete agenda headings if there is no business under those items;
- (3) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.
- (4) Each delegation or petition will have a maximum of 10 minutes to present under subsection 1(d). Council's Delegations Policy will govern the conduct of the delegation and the procedure to be followed.

Late Items

16. (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 resolves, a late item may be considered as a Notice of Motion and scheduled on the next regular agenda.

Points of order

17. (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

18. (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 and speak to that member through the presiding member;
- (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
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
 - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat , and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (a) a member may speak more than once in connection with the same question only
 - (i) with the permission of Council, or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
 - (b) a member who has made a substantive motion to the Council may reply to the debate;
 - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;

- (d) a member may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of Council.

Motions

- 19. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Council member may make only the following motions, when the Council is considering a question:
 - (a) to refer to committee;
 - (b) to amend;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain time;
 - (f) to move the previous question;
 - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

Motion to commit

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

Motion for the main question

- 21. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:

- (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
- (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

Amendments generally

22. (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.

Reconsideration by Council Member

23. (1) Subject to subsection (5), a Council member may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and

- (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
 - (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*,
 - (c) been acted on by an officer, employee, or agent of the City.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

Privilege

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

Reports from committees

25. 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

26. A Council may continue a Council meeting after 10:00 p.m. only by an affirmative vote of the Council members present.

PART 4 – BYLAWS

Copy of Proposed Bylaw

27. 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 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Form of Bylaws

28. A bylaw introduced at a Council meeting must:
- (a) be printed;
 - (b) have a distinguishing name; and
 - (c) have a distinguishing number.

Consideration of Bylaws

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

Reading and Adopting Bylaws

30. (1) The presiding member of a Council meeting may
 - (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) Subject to any requirement to the contrary, Council may give first, second and third readings in one motion.
- (4) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (5) 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
- (4) In accordance with section 135 of the *Community Charter*, Council may give up to three readings to a proposed bylaw at the same Council meeting.
- (5) 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.

Procedure after Adoption

31. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the Village's records for safekeeping and endorse upon it:
 - (a) the Village's corporate seal,
 - (b) the dates of its readings and adoption; and,
 - (c) the date of Ministerial approval or approval of the electorate if applicable.

PART 5 - RESOLUTIONS

Form and Procedure for Resolutions

32. A resolution may be introduced verbally or written during a Council meeting.

33. The presiding member of a Council meeting may:
- (a) have the corporate officer read the resolution; and
 - (b) request a motion that the resolution be introduced.

PART 6 - COMMITTEE OF THE WHOLE

Resolving into Committee of the Whole

34. (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 Village's business, is a meeting of COTW.

Notice of Committee of the Whole

35. (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 mailbox at Village Office.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 35, during a Council meeting for which public notice has been given under section 6 or 7.

Minutes of Committee of the Whole

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

Presiding Member and Quorum

37. (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.
38. 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

39. The following rules apply to COTW meetings:
- (a) a member may speak any number of times on the same question;
 - (b) a member must not speak longer than a total of 10 minutes on any one Reports
40. (1) COTW may consider reports and bylaws only if
- (a) they are printed and the members each have a copy, or
 - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.
- (3) The COTW's reports to Council must be presented by the Corporate Officer.

Rising without reporting

41. (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, the Council meeting must resume and proceed to the next order of business.

PART 7 – COMMITTEES

Standing Committees

42. (1) 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
- (2) At least half of the members of a standing committee must be council members.

Select Committees

43. (1) Council may establish and appoint a select committee to consider or inquire into any matter and report its findings and opinion to Council.
- (2) At least one member of a select committee must be a council member.

Schedule of committee meetings

44. (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

45. (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 cause a notice of the day, time and place of a meeting called under section 46(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

Attendance at Committee meetings

46. 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

47. 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 section 97(1)(c) of the *Community Charter*.

Quorum

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

Conduct and debate

49. (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.

Voting at meetings

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

PART 8 – GENERAL

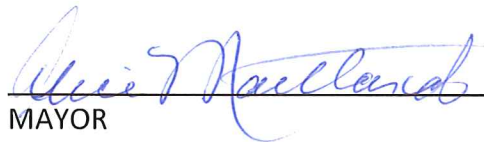
51. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
52. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.
53. Village of Hazelton Procedure Bylaw No. 425, 2004 and all amendments thereto, are hereby repealed.

READ A FIRST TIME THIS 17th DAY OF DECEMBER, 2013

READ A SECOND TIME THIS 14th DAY OF JANUARY, 2014.

AND THIRD TIME THIS 14th DAY OF JANUARY, 2014.

RECONSIDERED AND FINALLY ADOPTED THIS 11th DAY OF FEBRUARY, 2014.


MAYOR


CHIEF ADMINISTRATIVE OFFICER