

TOWN OF COMOX

CONSOLIDATED BYLAW NO. 1614

(Consolidated to September 2011)

Please note: This is a consolidated bylaw prepared for
Convenience only and is not a certified copy.

**A BYLAW TO ESTABLISH PROCEDURES FOR THE ORDER AND CONDUCT
OF COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS**

The Council of the Town of Comox, in open meeting assembled, enacts as follows:

PART I -- INTRODUCTION

1. Title

This Bylaw may be cited as the "Comox Council Procedure Bylaw, 2009".

2. Definitions

In this Bylaw,

- (a) "Agenda Committee" means the Mayor, Acting Mayor, Chief Administrative Officer and Deputy Corporate Administrator;
- (b) "Corporate Officer" means the Corporate Officer for the Town of Comox;
- (c) "Council" means the Council of the Town of Comox;
- (d) "Committee of the Whole" means 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 Town's business;
- (e) "In-Camera Council Meeting" means a Council meeting or part thereof that is closed to the public;
- (f) "Mayor" means the mayor of the Town of Comox;
- (g) "Public Notice Posting Place" means the notice board inside Comox Town Hall;

- (h) “Regular Council Meeting” means a regularly scheduled Council Meeting;
- (i) “Special Council Meeting” means a Council meeting other than a Regular Council Meeting, and includes In-Camera Council Meetings;
- (j) “Town” means the Town of Comox; and
- (k) “Town Hall” means the Comox Town Hall, located at 1809 Beaufort Avenue, Comox, British Columbia.

3. Application of the Rules of Procedure

- (1) The provisions of this Bylaw govern the proceedings of Council and Committee of the Whole.
- (2) In cases not provided for under this Bylaw, The New Robert’s Rules of Order, 10th edition, 2000 apply to the proceedings of Council and Committee of the Whole 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*.

4. Suspension of the Rules of Procedure

The rules of procedure contained in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by a unanimous vote of the Council members present.

PART II -- MEETINGS

5. Inaugural Meeting

- (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 Corporate Officer and held as soon as reasonably possible after a quorum has taken office.
- (3) In accordance with Section 784 of the Local Government Act, municipal director appointments to the Regional District board shall be made by Council resolution.

6. Special Council Meetings

- (1) Two or more members of Council may, in writing, request the Mayor to call a Special Meeting.
- (2) Persons other than Council members, appointed officials **and invited guests** are excluded from In-Camera Council Meetings.

7. Time and Location of Meetings

- (1) All Council meetings must take place within Council Chambers at Town Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
 - (a) be held on the first and third Wednesday of each month, and
 - (i) begin at 5:30 p.m.;
 - (ii) adjourn by 10:00 p.m. on the day scheduled for the meeting, unless Council resolves to proceed beyond that time in accordance with Section 26 of this Bylaw;
 - (b) Despite (a) above, Regular Council meetings will not be held, unless otherwise agreed,
 - (i) the third Wednesdays in July and August,
 - (ii) the third Wednesday in the November of a general local election,
 - (iii) the third Wednesday in December, and
 - (iv) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.
- (3) Committee of the Whole meetings must
 - (a) be held on the second and fourth Wednesday of each month, and
 - (i) Amended, Bylaw 1642, 2009 begin at 4:15 p.m.;
 - (ii) adjourn by 8:30 p.m. on the day scheduled for the meeting, unless the Committee resolves to proceed beyond that time in accordance with Section 31 of this Bylaw;

- (b) Despite (a) above, Committee of the Whole meetings will not be held, unless otherwise agreed,
 - (i) the second and fourth Wednesdays in July and August,
 - (ii) the second and fourth Wednesday in the November of a general local election,
 - (iii) the fourth Wednesday in December, and
 - (iv) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.
- (4) Council and Committee of the Whole 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.

8. Notice of Regular Council and Committee of the Whole Meetings

- (1) A schedule of the dates, times and places of Regular Council and Committee of the Whole meetings shall be made available to the public by posting it at the Public Notice Posting Place.
- (2) Notice of the availability of the Regular Council and Committee of the Whole meeting schedule shall be given annually on or before January 30 in accordance with section 94 of the *Community Charter*.
- (3) Where revisions are necessary to the annual schedule of Regular Council and Committee of the Whole meetings, the Corporate Officer 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 Regular Council or Committee of the Whole meeting.

9. Notice of Special Council Meetings

- (1) Except where notice of a Special Council 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 Town Hall,
 - (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 Town Hall.
- (2) The notice under subsection (1) shall state the Agenda of the meeting, describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

PART III -- COUNCIL PROCEEDINGS

10. Designation of Member to Act in Place of Mayor

- (1) Annually, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under section 10(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 10(1) are absent or otherwise unable to act, the next Councillor designated on the schedule shall act in place of the Mayor.
- (4) The member designated under section 10(1) or section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

11. Attendance of Public 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 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 [requirements before Council meeting is closed]*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter [application of rules to other bodies]*.
- (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 10 may expel or exclude from a Council meeting a person in accordance with Section 21(8) of this Bylaw.

12. Minutes of Meetings

- (1) Minutes of the proceedings of Council must be
 - (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) The results of each vote on a motion shall be recorded in the minutes, including the name of any member of Council who voted in the negative on any question.
- (3) Subject to subsection 12(3), and in accordance with section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* minutes of the proceedings of Council must be open for public inspection at Town Hall during its regular office hours.
- (4) 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 [meetings that may be closed to the public]*.

Added, Bylaw
1691, 2011

13. Calling Meeting to Order

- (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, shall take the Chair and call the Council meeting to order.
- (2) Where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 shall take the Chair and call such meeting to order.

14. No Quorum

If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer shall

- (a) record the names of the members present, and those absent, and
- (b) adjourn the meeting until the next scheduled meeting.

15. Agenda

- (1) Prior to each Council meeting, the Corporate Officer 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 Corporate Officer of items for inclusion on the Council meeting agenda shall be 12:00 p.m. on the Thursday prior to the meeting.
- (3) The Agenda Committee shall review the draft Council meeting agenda prior to its distribution to the members of Council and the public.
- (4) The Corporate Officer shall make the agenda available to the members of Council and the public by 4:00 p.m. on the Friday prior to 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 of this Bylaw.

16. Order of Proceedings and Business

- (1) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Introduction of Late Items,
 - (b) Approval of Agenda,
 - (c) Delegations – requests to address Council that have been approved by the Mayor,
 - (d) Adoption of Minutes,
 - (e) Reports of Committees and Commissions,
 - (f) Unfinished Business,
 - (g) Special Reports,
 - (h) Bylaws,
 - (i) New Business,

- (j) Correspondence,
 - (k) Late Items,
 - (l) Delegations,
 - (m) Reports from Members of Council on matters relevant to Town business,

 - (n) Media Question Period,
 - (o) Public Question Period,
 - (p) Adjournment.
- (2) Particular business at a Council meeting shall in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.
- (3) Requests to appear as a delegation at a Council meeting shall use the Form in Schedule A, attached to this Bylaw.

17. Late Items

- (1) An item of business not included on the Agenda shall 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 Council makes a resolution under section 17(1), information pertaining to late items shall be distributed to the members and the public.

18. Voting at Meetings

- (1) Each Council member has one vote on any motion or question.
- (2) Each Council member present at the time of a vote must vote on a matter, and, if a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.
- (3) The following procedures apply to voting at Council meetings:
 - (a) when debate on a matter is closed the presiding member shall put the matter to a vote of Council members;
 - (b) when the Council is ready to vote, the presiding member shall put the matter to a vote by asking for those in favour and, subsequently, those opposed;

- (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member shall not
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance, or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
 - (d) after the presiding member finally puts the question to a vote under paragraph (b), a member shall not speak to the question or make a motion concerning it;
 - (e) the presiding member's decision about whether a question has been finally put is conclusive;
 - (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
 - (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.
- (4) A Council member voting in the negative at a meeting who desires that their vote be recorded in the minutes, shall so instruct the Corporate Officer.

19. Delegations

- (1) An individual or a delegation may address Council at a meeting provided written application on the Form in Schedule A, attached to this Bylaw, has been received by the Corporate Officer by 12:00 p.m. on the Thursday prior to the meeting. Each address shall be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) Council shall not permit a delegation to address a meeting of 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.
- (3) The Agenda Committee may schedule delegations to another Council meeting or Committee of the Whole, as deemed appropriate, according to the subject matter of the delegation.
- (4) The Agenda Committee 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 Agenda Committee's decision, the information must be distributed under separate cover to Council for their consideration.

20. Points of Order

- (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, the chair shall 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 chair is required to decide a point of order
 - (a) the chair must cite the applicable rule or authority if requested by another Council member, and
 - (b) another member must not question or comment on the rule or authority cited by the chair under subsection (2)(a).

21. General Rules of Conduct and Debate

- (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 shall address the presiding member by that person's title of Mayor or Acting Mayor.
- (3) Members shall address other non-presiding members by the title Councillor.
- (4) No member shall interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the chair must call on the member who, in the chair's opinion, first spoke.
- (6) Members who are called to order by the chair
 - (a) must immediately stop speaking, and
 - (b) may explain their position on the point of order.
- (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 the presiding member, or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
 - (b) a member who has made a substantive motion to the Council may reply to the debate;
 - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
 - (d) a member may speak to a question, or may speak in reply, for longer than a total time of 5 minutes only with the permission of the presiding member.

22. Motions Generally

- (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (3) 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 the presiding member's permission.
- (4) A Council member may make only the following subsidiary motions, when Council is considering a question:
 - (a) to refer to Committee of the Whole;
 - (b) to amend;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a future meeting;
 - (f) to move the previous question;
 - (g) to adjourn.
- (5) A motion made under subsections (4)(c) to (g) is not debatable.
- (6) After a motion has been seconded, it may be withdrawn, at any time before the decision or amendment, by the mover with the permission of the seconder.
- (7) 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.

23. Notice of Motion

- (1) Despite Section 17(1), any member who, during a meeting, wishes to bring any new matter before Council, other than a point of order, shall do so by way of a motion.

- (2) If any member present at the time such a motion is presented, and before debate on the motion commences, calls for notice of motion, then the motion shall be placed on the agenda of the next Regular Council meeting.
- (3) Any member may give notice of a motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer during a meeting of Council and upon it being acknowledged by the presiding member, it shall appear in the minutes of that meeting as a notice of motion and be placed on the agenda of the next Regular Council meeting.

24. Amendments Generally

- (1) Only one amendment shall be allowed at one time and shall be dealt with before the main motion is decided. Amendments must be strictly relevant to the main motion and not alter in a material way, or be contrary to, the principle embodied in the main motion.
- (2) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (3) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (4) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (5) A proposed amendment must be decided or withdrawn before the main motion being considered is put to a vote, unless there is a call for the main motion.
- (6) An amendment that has been negatived by a vote of Council cannot be proposed again.

25. Reports from Committee of the Whole

Council may take any of the following actions in connection with a resolution it receives from Committee of the Whole:

- (a) agree or disagree with the resolution;
- (b) amend the resolution;
- (c) refer the resolution back to Committee of the Whole;
- (d) postpone its consideration of the resolution.

26. Council Meeting Adjournment

- (1) Council may continue a Council meeting after 10:00 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.

PART IV -- BYLAWS

27. Reading and Adopting Bylaws

- (1) Before a bylaw is adopted by Council, it must be given three readings, all of which may be given at one Council meeting.
- (2) Any amendment to a bylaw shall be made by a motion of Council after the bylaw has received second reading and before it receives third reading. If the bylaw has been amended, the motion at third reading shall be “That the bylaw be given third reading as amended”.
- (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) 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.

28. Signing Bylaws

- (1) After a bylaw is adopted, and signed by the Corporate Officer and the chair of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:
 - (a) the City'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 V -- COMMITTEE OF THE WHOLE MEETINGS

29. Presiding Member and Quorum

- (1) The Mayor or Acting Mayor shall be the presiding member of the Committee of the Whole.
- (2) The quorum of Committee of the Whole is the majority of Council members.

30. Committee of the Whole Proceedings

- (1) For certainty, the rules and procedures of the Council under sections 12 to 24, except section 16, of this Bylaw shall be observed by the Committee of the Whole, so far as possible and unless otherwise specified in this Bylaw.

31. Committee of the Whole Meeting Adjournment

- (1) The Committee of the Whole may continue a meeting after 8:30 p.m. only by an affirmative vote of the Council members present.
- (2) A motion to adjourn either a Committee of the Whole meeting or the debate at a Committee of the Whole meeting is always in order if that motion has not been preceded at that meeting by the same motion.

PART VI -- GENERAL

32. Severance

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.

33. Repeal or Amendment

- (1) This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter* [public notice].
- (2) The Comox Procedure Bylaw, 2000 is hereby repealed.

34. Adoption

- (1) READ A FIRST AND SECOND time this 21st day of January , 2009
- (2) READ A THIRD time as AMENDED this 4th day of March , 2009
- (3) ADOPTED this 18th day of March , 2009

“Paul Ives”
MAYOR

“Richard Kanigan”
CORPORATE OFFICER

SCHEDULE A



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX
1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE
SUBMITTED NO LATER THAN THURSDAY NOON, THE WEEK PRIOR TO THE MEETING

Name(s) of person(s) speaking: _____

Organization you are representing: _____

Primary purpose of Organization: _____ Number of members: _____

Mailing address: _____

City: _____ Postal Code: _____

Contact name: _____ Email: _____

Phone: _____ Fax: _____

Subject matter: _____

Specific request of Council, if any (i.e., letter of support, funding): _____

Requested meeting and date: _____

Audio-visual equipment required: _____

Date of application: _____ Signature of applicant: _____

Please Note:

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:00 p.m. Delegations are dealt with at the beginning of each meeting.
2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting.
5. Please ensure that your cell phone is turned OFF during the meeting.