



CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 3277

COUNCIL PROCEDURE BYLAW

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CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 3277

A BYLAW OF THE CITY OF CAMPBELL RIVER TO GOVERN COUNCIL PROCEDURES.

WHEREAS the Council of the City of Campbell River in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as “Council Procedure Bylaw No. 3277, 2007”.

DEFINITIONS

Definitions added Sept/16, bylaw 3614

2. In this Bylaw,

“Chairperson”	means the person who presides over a meeting which is typically the Mayor;
“City”	means the City of Campbell River;
“City Hall”	means Campbell River City Hall located at 301 St. Ann’s Rd. Campbell River, British Columbia;
“City Web Site”	means the information resource found at an internet address provided by the City;
“Committee”	means a standing, select, or other committee of Council, but does not include Committee of the Whole;
“Committee of the Whole”	means the Committee of the Whole Council;
“City Clerk”	means the City Clerk for the City;
“Council”	means the Council of the City of Campbell River
“Mayor”	means the mayor of the City;
“Public Notice Posting Places”	means the Agenda Holder in the foyer at the City Hall, and the City Website.
“Restricted”	means In-Camera meeting involving Council and select staff.

APPLICATION OF RULES OF PROCEDURE

3.
 - (1) The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole and all standing and select committees of Council, as applicable.
 - (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, 11th edition, 2011, apply to the proceedings of Council, Committee of the Whole, 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*.

COUNCIL MEETINGS

Sec. 4(1) amended Sept/16, bylaw 3614, amended Feb/18 by bylaw 3676

Inaugural Meeting

4. (1) Following a general local election, the first Council meeting must be held on the first Monday in November 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 City Clerk and held as soon as reasonably possible after a quorum has taken office.

Time and Location of Meetings

5. (1) All Council meetings must take place within City Hall except when Council or the Mayor resolves to hold meetings elsewhere.

Sec. 5(2) amended Jan/12, bylaw 3473; 5(2), 5(3) amended Sept/16, bylaw 3614

- (2) Regular meetings of Council must:
 - (a) be held on a schedule that generally follows every other Monday of each month starting at 6:30 p.m.;
 - (b) be adjourned at 11:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with s.29.
- (3) As an exception to s.5(2) of this Bylaw:
 - (a) when a regular meeting falls on a statutory holiday, as defined in the *Interpretation Act*, that meeting may be scheduled the following day;
 - (b) a regular meeting may be cancelled, or rescheduled by resolution of Council; and
 - (c) the Mayor may upon providing at least two clear days' written notice through the office of the City Clerk, postpone any regular meeting to a day, time and place named in the notice.

Sec. 5.4 deleted Apr/11 Bylaw 3449

Notice of Council Meetings

6. (1) In accordance with the *Community Charter*, Council must prepare annually on or before December 31st, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with the *Community Charter*, Council must give notice annually on or before December 31st of the schedule of regular Council meetings for the following year.

Notice of Special Meetings

Sec. 7.1 amended Apr/11, bylaw 3449, Sept/16 bylaw 3614

7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members in accordance with the *Community Charter*, 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;

- (b) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall; and
 - (c) placing in Council's electronic schedule.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting.

Electronic Meetings

8. (1) Provided the conditions set out in in accordance with the *Community Charter* are met;
- (a) regular or Special Council meeting may be conducted by means of *audio* electronic or other communication facilities provided that the members participating have received a copy of the agenda material.

Sec. 8.2 deleted, Sec. 8.3 replaced, Bylaw 3746, 2020,
Sec. 8.2 reinstated and Sec. 8.3 replaced by Bylaw 3836, 2021

- (2) The member chairing a council or council committee meeting must not participate electronically.
- (3) No more than 3 members of council may participate at a Council meeting under s.8(1)(a).
- (4) No more than 3 members of a committee at one time may participate at a Council Committee meeting under s.8(1)(a).

DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

9. (1) Annually in December Council must, from amongst its members, designate Councillors 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. This appointment may be on a monthly rotating basis or for a longer period of time as determined by council.
- (2) Each Councillor designated under s.9(1) must fulfill the responsibilities of the Mayor in his or her absence.

Sec. 9.3 & 9.4 amended, 9.5 new Apr/11, bylaw 3449, 2011

- (3) If both the Mayor and Acting Mayor are absent from a Council meeting, the members present must choose the next member in succession from the rotating roster established under s.9(1);
- (4) The member designated under s.9(1) or s.9(3) has the same powers and duties as the Mayor in relation to the applicable matter.
- (5) Other than at a Council meeting, if both the Mayor and the Acting Mayor are absent or otherwise unable to act, the member next in succession on the rotating roster established under s.9(1) shall be the Acting Mayor.

COUNCIL PROCEEDINGS

Sec. 10 amended Jan/12, bylaw 3473, Sept/16 bylaw 3614

Community Charter Provisions

10. Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 [Open Meetings] and Division 2 of

Part 5 [Council Proceedings]. The relevant extracts from the *Community Charter* are attached to this bylaw as Appendix "A" for convenient reference.

Attendance of Public at Meetings

11. (1) Except where the provisions 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 s.92 of the *Community Charter*.

Sec. 3(e) amended Jan/12, bylaw 3473

- (3) This section applies to all meetings of the bodies referred to in s.93 of the *Community Charter*, including without limitation:
 - (a) Committee of the Whole,
 - (b) standing and select committees,
 - (c) parcel tax review panel,
 - (d) board of variance,
 - (e) advisory committees
- (4) Despite s.11(1), if the Chairperson considers that a person at the meeting is acting improperly, the Chairperson may order that the person be expelled from the meeting.
- (5) If the person who is expelled does not leave the meeting, a peace officer may enforce the order as if it were a court order.

Sec. 12(1)(b) amended Sept/16, Bylaw 3614

Minutes of meetings

12. (1) Minutes of the proceedings of Council must be
 - (a) legibly recorded,
 - (b) certified as correct by the City Clerk, or Deputy City Clerk, and
- (2) Subject to subsection 12(3), and in accordance with the *Community Charter* minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (3) Subsection 12(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under s.90 of the *Community Charter*.

Calling meeting to order

13. (1) As soon after the time specified for a Council meeting as there is a quorum present the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with s.9 must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under s.9 do not attend within 15 minutes of the scheduled time for a Council meeting:
 - (a) the City Clerk must call to order the members present, and
 - (b) the members present must choose a member to chair the meeting.

- (3) The Mayor may delegate to another member of Council the duty to Chair a Council meeting.

Adjourning meeting where no quorum

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

Agenda

Sec. 15 amended Apr/11, bylaw 3449, Jan/12, bylaw 3473, Sept 16, bylaw 3614

- 15. (1) The City Clerk shall manage all correspondence, reports and information intended to be received by Council.
- (2) Prior to each regular, special or inaugural meeting, the City Clerk shall set and prepare an agenda of all business to be brought before Council at the meeting, and Council shall proceed with the business set out.
- (3) All items or reports for the agenda of a meeting of Council, other than a special Council meeting, must be delivered to the City Clerk prior to 3:00 p.m. on the Tuesday preceding the meeting.
- (4) The agenda shall include the following items of business, as appropriate, for each meeting:

1. Call to Order	11. Staff Reports – information only
2. Addition of Late Items	12. Commission/Committee Reports
3. Approval of the Agenda	13. Mayor/Council Reports
4. Awards & Recognition	14. Council Liaison Reports
5. Delegations (30 minutes maximum)	15. Notice of Motion
6. Bylaws and Permits	16. Consent Agenda (including adoption of minutes)
7. Staff Reports – decision required	17. Late Items
8. Unfinished Business	18. Delegations (continued if required)
9. New Business	19. Closed(In-Camera) Business
10. Correspondence	20. Adjournment

- (5) Where a request is made to add further new business items to the agenda, Council may by resolution call for the item to be taken as “notice of motion” whereupon the City Clerk shall place the item on the next regular meeting of Council, or a later Meeting if directed by Council.
- (6) All restricted In-Camera meeting agendas and minutes shall be returned to the City Clerk at the close of the meeting.

New Sec. 16 added and remaining sections renumbered Sept/16, Bylaw 3614

Late Items

- 16. (1) Whereas Council wishes to maintain open government and provide the public with the opportunity to participate and provide Council with feedback, there shall

be no late items added to the agenda except in circumstances where items of business must be addressed to meet specific deadlines.

- (2) An item of business not included on the Agenda may be considered by Council at the time allocated on the Agenda for such matters.
- (3) If the Council makes a resolution under the above s.16 (2), information pertaining to late items must be distributed to the members.
- (4) A motion to add a late item is not required to be seconded but must include an explanation of why the item cannot wait until the next meeting.
- (5) A decision to add a late item to the agenda must be by unanimous vote.
- (6) Council must vote separately on each request to add a late item.

Voting at Meetings

17. (1) The following procedures apply to voting at Council meetings:

Sec. 17 amended Jan/12, bylaw 3473, Sept 16, bylaw 3614

- (a) when debate on a matter is closed the Chairperson must put the matter to a vote of Council members;
- (b) whenever a vote of Council is taken for any purpose the Chairperson shall call for those in favour of the motion and each member of Council in favour shall signify their vote by raising their hand, the Chairperson shall then call for those opposed and each member of Council opposed shall signify their vote by raising their hand;
- (c) the Chairperson shall state the names of those members in opposition to the motion;
- (d) the result of the vote and the names of the members voting in opposition to the motion, shall be recorded in the minutes;
- (e) when the Chairperson is putting the matter to a vote under paragraphs (a) a member must not;
 - (i) leave the room,
 - (ii) make a noise or other disturbance, or
 - (iii) interrupt the voting procedure under paragraph (a) unless the interrupting member is raising a point of order;
- (f) after the Chairperson finally puts the question to a vote under paragraph (a), a member must not speak to the question or make a motion concerning it;
- (g) the Chairperson's decision about whether a question has been finally put is conclusive;
- (h) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- (i) any member of Council then present who abstains from voting shall be deemed to have voted in favour of the motion, and

- (j) the Chairperson must declare the result of the voting by stating that the question is decided in either the affirmative or the negative. Where the number of votes on a motion are equal, the motion is defeated and the Chairperson shall so indicate.

Delegations

Sec. 18 amended Apr/11 bylaw 3449; Sept/16, bylaw 3614

- 18. (1) All delegations requesting permission to appear before Council shall complete an application in a form prescribed by the City Clerk which includes:
 - (a) name of person;
 - (b) name of organization being represented if applicable;
 - (c) person's position in that organization if applicable;
 - (d) topic & discussion points; and
 - (e) the action requested of Council including any recommended resolutions.
- (2) Delegations to address Council and any supporting documentation may be included on an agenda provided application has been received by the City Clerk by 3:00 p.m. on the Tuesday prior to the meeting.
- (3) Where application has not been received by the City Clerk as prescribed in s. 18(1), an individual or delegation may address the meeting if approved by majority vote of the members present.
- (4) The Chairperson shall allow up to five (5) minutes for the presentation followed by an opportunity for a question and answer period, led by Council.
- (5) Delegations scheduled on the agenda shall be permitted at the beginning of the meeting up to a maximum of 30 minutes in total, after which time all other remaining delegations are required to present at the end of the meeting.
- (6) Development applicants or their representative shall only be permitted to address Council if their land use development application has received a negative recommendation by staff.
- (7) The City Clerk may limit the number of delegations included on the agenda to ensure Council has sufficient time to complete the regular business on the agenda.
- (8) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw, or on matters that have been discussed at a meeting where the public has been excluded under the authority of s.90 of the *Community Charter*.
- (9) The City Clerk may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (10) The City Clerk 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 City Clerk's decision, the information must be distributed under separate cover to Council for their consideration.
- (11) Where Council has invited a person to make a presentation, the person may have up to 30 minutes to address Council, unless otherwise specified by Council.

- (12) As a general rule, Council will not address matters brought before Council via a delegation at the meeting where the presentation is made.

Sec. 19(1) amended Sept/16, Bylaw 3614

Points of Order

19. (1) Without limiting the Chairperson duty in accordance with the *Community Charter*, Chairperson must apply the correct procedure to a motion when the;
- (a) motion is contrary to the rules of procedure in this bylaw, regardless of
 - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the Chairperson is required to decide a point of order;
- (a) the Chairperson 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 Chairperson under subsection (2)(a), and
 - (c) the Chairperson may reserve the decision until the next Council meeting.

Conduct and Debate

20. (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the Chairperson.
- (2) Members must address the Chairperson by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks, the Chairperson must call on the member who, in the Chairperson's opinion, first spoke.
- (6) Members who are called to order by the Chairperson;
- (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 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 Chairperson and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the Chairperson may order the member to leave the member's seat, and

- (a) if the member refuses to leave, the Chairperson 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.

Sec. 20(10) amended Sept/16, Bylaw 3614

- (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 may speak to a question, or may speak in reply, for longer than a total time of 5 minutes only with the permission of Council,
 - (d) the Chairperson must leave the chair to speak to the substance of a motion,
 - (e) members shall refrain from the use of cell phones during meetings.
 - (f) the chairperson may suspend the meeting for a short period of time to allow additional information to be gathered by requesting that Council "stand at ease".

Sec. 21 amended Sept/16, Bylaw 3614

Motions Generally

21. (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) If there is any question on the content of a motion not appearing on the agenda, it must be first read aloud by either the chairperson or the city clerk before it can be debated.
- (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 Council's permission.
- (4) 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 table;
 - (d) to postpone-indefinitely;

- (e) to postpone to a certain time;
 - (f) to move the previous question;
 - (g) to adjourn.
- (5) A motion made under subsections (4)(c) to (g) is not amendable or debatable.
 - (6) Council must vote separately (in seriatim) on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.
 - (7) After a motion has been stated or read, it is deemed to be in the possession of the Council, and may only be withdrawn by the mover with the consent of the seconder.

22. Notice of Motion

- (1) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by giving a copy of such motion to the City Clerk during a meeting of the Council and upon the member being acknowledged by the Chairperson and the Notice of Motion being read to the meeting.
- (2) A copy of the motion presented under s.22(1) shall appear in the minutes of that meeting as a "Notice of Motion". The City Clerk shall place the motion on the agenda of the next Council meeting, or other future meeting designated by the member bringing forward the Notice of Motion, for consideration.

Motion to Commit

- 23. 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

- 24. (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

- 25. (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 Chairperson.
- (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 Chairperson 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.

Sec. 26 replaced Sept/16, Bylaw 3614

Reconsideration by Council Member

26. (1) The Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with the *Community Charter*.
- (2) Council may, within one month of a Council decision consider a motion to reconsider a motion/resolution which was adopted or defeated provided that the resolution has not had the assent of the electors, has not been reconsidered under this section or s.131 of the *Community Charter*, and has not been acted upon by an officer, servant or agent of the City.
- (3) A reconsideration motion;
 - (a) must be brought forward by a member who voted on the prevailing side of the motion, or by any member who was absent during the original vote;
 - (b) must be brought forward at the next meeting of Council after the original vote; or, in the case of when a member was absent at the time of the original vote, at the next meeting to which this member is able to attend;
 - (c) may be seconded by any member;
 - (d) must be adopted in the affirmative before Council may discuss the main matter.
- (4) Council may not;
 - (a) move to reconsider an adopted bylaw until after an interval of at least 24 hours following its adoption;
 - (b) reconsider a decision to postpone indefinitely.
- (5) A bylaw, resolution, or proceeding that is reaffirmed under this section or s.131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A vote to reconsider must not be reconsidered.
- (8) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.

Privilege

27. (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

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

Adjournment

29. (1) A Council may continue a Council meeting after 11:00 p.m. only by an affirmative vote of the majority 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.

BYLAWS

Section 30 amended Apr/11 bylaw 3449, Sept/16, bylaw 3614

Copies of Proposed Bylaws to Council members

30. 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

31. A bylaw introduced at a Council meeting must: be printed, have a distinguishing name, have a distinguishing number and be divided into sections.

Reading and adopting bylaws

32. The readings of the bylaw may be given by stating its title and object.
- (1) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
 - (2) Subject to s.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.

- (3) In accordance with s.135 of the *Community Charter [requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (4) Despite s.135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with s.890(9) of the *Local Government Act [public hearings]*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws Must be Signed

- 33. After a bylaw is adopted, and signed by the City Clerk and the Chairperson of the Council meeting at which it was adopted, the City Clerk 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.

COMMITTEE OF THE WHOLE

Going into Committee of the Whole

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

Notice for Committee of the Whole meetings

- 35. (1) Notwithstanding s.34 a notice of the day, hour and place of a Committee of the Whole 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 City Hall.

Sec. 33(2) replaced Sept/16, Bylaw 3614

- (2) Subsection 35(1) does not apply to a Committee of the whole meeting that is called, in accordance with s.34(1).

Sec. 36 amended Sept/16, Bylaw 3614

Minutes of Committee of the Whole

- 36. (1) Minutes of the proceedings of Committee of the Whole must be:
 - (a) legibly recorded,
 - (b) certified by the City Clerk, or Deputy City Clerk and signed,
 - (c) open for public inspection in accordance with s.97(1)(c) of the *Community Charter*.

Chairperson at Committee of the Whole Meetings and Quorum

- 37. (1) Any Council member may preside in Committee of the Whole.
- (2) The members of Council attending a meeting of Committee of the Whole must appoint a Chairperson.

- (3) The quorum of Committee of the Whole is the majority of the members.

Points of order at Committee of the Whole meetings

38. The Chairperson must preserve order at a 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 Committee of the Whole 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.
- (d) the chair may speak to a motion without vacating the chair, but must vacate the chair to move a motion.

Voting at Committee of the Whole meetings

40. (1) Votes at a Committee of the Whole meeting must be taken by a show of hands.
(2) The Chairperson must declare the results of voting.

Sec. 41 amended Sept/16, Bylaw 3614

Reports

41. (1) Committee of the Whole may consider reports and bylaws only if;
- (a) the members have received 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 Committee of the Whole to rise and report to Council must be decided without debate.

Sec. 40 "Rising without reporting" deleted and remainder renumbered Sept/16, Bylaw 3614

COMMITTEES

Duties of Standing Committees

42. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- (2) Standing committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the committee's meetings;
 - (b) on matters that are assigned by Council or the Mayor,
 - (i) as required by Council or the Mayor, or
 - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

Duties of Select Committees

43. (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

Section 44 added May/18, Bylaw 3699, Section 44 amended Oct/18 Bylaw 3717

Advisory Committees

44. (1) The advisory committees reporting directly to Council shall include:
 - (a) Airport Advisory Committee
 - (b) Community Partnership Committee
 - (c) Community Planning Advisory Committee
 - (d) Environmental Advisory Committee
 - (e) Community Health & Public Safety Advisory Committee
 - (e) Tourism Advisory Committee
 - (f) Youth Advisory Committee

Schedule of Committee Meetings

45. (1) At its first meeting after its establishment, a standing or select committee must establish a regular schedule of meetings.
- (2) The chairperson 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

46. (1) Subject to subsection 44 (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 City Clerk 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 s. 45(2) to be given to all members of the committee at least 24 hours before the time of the meeting.

Council Attendance at Committee meetings

47. Council members who are not members of a committee may attend the meetings of the committee and may take part in the discussion by permission of a majority of the members, but may not vote.

Minutes of Committee Meetings

48. (1) Minutes of the proceedings of Council and Committees must be;
 - (a) legibly recorded;
 - (b) certified by the person designated to record minutes;
 - (c) signed by the chairperson of the meeting; and

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

Sec. 48 amended Sept/16, Bylaw 3614

Quorum

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

Conduct and Debate

50. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- (3) A motion made at a meeting of a committee is not required to be seconded.

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.
- (a) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with the *Community Charter*.
- (b) District of Campbell River **Council Procedure Bylaw No. 3105 2004** is repealed.

Read a first time on the	8th	day of	January,	2007.
Read a second time on the	8th	day of	January,	2007.
Read a third time on the	8th	day of	January,	2007.
Adopted on the	22nd	day of	January,	2007.

Original signed by:

R. McDonell

MAYOR

W. T. Halstead

CLERK

Community Charter Provisions

“Division 3 of Part 4”

Division 3 — Open Meetings

General rule that meetings must be open to the public

- 89** (1) A meeting of a council must be open to the public, except as provided in this Division.
- (2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Meetings that may or must be closed to the public

- 90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - (c) labour relations or other employee relations;
 - (d) the security of the property of the municipality;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the municipality;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
 - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
 - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
 - (o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
 - (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - (c) a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 [*ombudsman to notify authority*] of that Act;
 - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Other persons attending closed meetings

- 91**
- (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.
 - (2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,
 - (a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person
 - (i) already has knowledge of the confidential information, or
 - (ii) is a lawyer attending to provide legal advice in relation to the matter, and
 - (b) in other cases, if the council considers this necessary.
 - (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Requirements before meeting is closed

- 92** Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
 - (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

Application of rules to other bodies

- 93** In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:
- (a) council committees;
 - (b) a municipal commission established under section 143;
 - (c) a parcel tax roll review panel established under section 204;
 - (d) a board of variance established under section 899 of the *Local Government Act*;
 - (e) an advisory body established by a council;
 - (f) a body that under this or another Act may exercise the powers of a municipality or council;
 - (g) a body prescribed by regulation.

Division 4 — Public Notice and Access to Records

Requirements for public notice

- 94**
- (1) If this section applies, the applicable notice must be
 - (a) posted in the public notice posting places, and
 - (b) published in accordance with this section.
 - (2) Subject to subsection (4), publication under subsection (1) (b)
 - (a) must be in a newspaper that is distributed at least weekly
 - (i) in the area affected by the subject matter of the notice, and
 - (ii) if the area affected is not in the municipality, also in the municipality, and
 - (b) unless otherwise provided, must be once each week for 2 consecutive weeks.
 - (3) The obligation under subsection (2) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.
 - (4) If publication under subsection (2) is not practicable, the notice may be given in the areas by alternative means as long as the notice
 - (a) is given within the same time period as required for publication,
 - (b) is given with the same frequency as required for publication, and

- (c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication if it were practicable.
- (5) As an exception, subsection (4) (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.
- (6) If the same matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.
- (7) A council may provide any additional notice respecting a matter that it considers appropriate, including by the Internet or other electronic means.

“Division 2 of Part 5”

Division 2 — Council Proceedings

Exercise of powers by bylaw or resolution

- 122**
- (1) A council may only exercise its authority by resolution or bylaw.
 - (2) If an enactment provides that a council is required or empowered to exercise a power by bylaw, that power may only be exercised by bylaw.
 - (3) If a council may exercise a power by resolution, that power may also be exercised by bylaw.
 - (4) An act or proceeding of a council is not valid unless it is authorized or adopted by bylaw or resolution at a council meeting.

General voting rules

- 123**
- (1) Unless otherwise provided, a motion on a bylaw or resolution, or on any other question before council, is decided by a majority of the council members present at the meeting.
 - (2) Each council member has one vote on any question.
 - (3) Each council member present at the time of a vote must vote on the matter.
 - (4) If a council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative.
 - (5) If the votes of the members present at a council meeting at the time of the vote are equal for and against a motion, the motion is defeated.
 - (6) A requirement under an enactment for an affirmative vote of a specified portion of all members of a council means an affirmative vote of that portion of the number of members of which the council consists under section 118 [*size of council*].
 - (7) The voting rules established by this section also apply to council committees.

Procedure bylaws

- 124**
- (1) A council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business.
 - (2) Without limiting the matters that may be dealt with under this section, a council must, by bylaw, do the following:
 - (a) establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [*Bylaw Procedures*] of this Part;
 - (b) establish rules of procedure for meetings of council committees;
 - (c) provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;

- (d) provide for advance public notice respecting the time, place and date of council committee meetings and establish the procedures for giving that notice;
 - (e) identify places that are to be public notice posting places for the purposes of section 94 *[public notice]*;
 - (f) establish the procedure for designating a person under section 130 *[designation of member to act in place of the mayor]*;
 - (g) establish the first regular council meeting date referred to in section 125 (1) *[council meetings]* as a day in the first 10 days of December following a general local election.
- (3) A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 *[public notice]* describing the proposed changes in general terms.

Council meetings

- 125**
- (1) The first regular council meeting following a general local election must be on the day set by procedure bylaw under section 124 (2) (g).
 - (2) If a quorum of council members elected at the general local election has not taken office by the time referred to in subsection (1), the first regular council meeting must be called by the City Clerk and held as soon as reasonably possible after a quorum has taken office.
 - (3) After the first regular meeting, a council must meet
 - (a) regularly in accordance with the applicable procedure bylaw, and
 - (b) as it decides and as provided in this Act.
 - (4) A special council meeting is a council meeting other than a regular meeting or an adjourned meeting.

Calling of special council meetings

- 126**
- (1) The mayor may call a special council meeting in his or her discretion.
 - (2) Two or more council members may, in writing, request that the mayor call a special council meeting.
 - (3) Two or more council members may themselves call a special council meeting if,
 - (a) within 24 hours after receiving a request under subsection (2), no arrangements are made under subsection (1) for a special council meeting to be held within the next 7 days, or
 - (b) both the mayor and the person designated under section 130 *[designation of member to act in place of mayor]* are absent or otherwise unable to act.
 - (4) If a special council meeting is called under subsection (3), the council members calling the meeting or the City Clerk must sign the notice under section 127 *[notice of council meetings]* in place of the mayor.

Notice of council meetings

- 127 (1) A council must
- (a) make available to the public a schedule of the date, time and place of regular council meetings, and
 - (b) give notice of the availability of the schedule in accordance with section 94 [*public notice*] at least once a year.
- (2) Subject to subsection (4), notice 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 regular council meeting place,
 - (b) posting a copy of the notice at the public notice posting places, and
 - (c) leaving one copy for each council member at the place to which the member has directed notices be sent.
- (3) The notice under subsection (2) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the mayor or the City Clerk.
- (4) Notice of a special council meeting may be waived by unanimous vote of all council members.

Electronic meetings and participation by members

- 128 (1) If this is authorized by procedure bylaw and the requirements of subsection (2) are met,
- (a) a special council meeting may be conducted by means of electronic or other communication facilities, or
 - (b) a member of council or a council committee who is unable to attend at a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.
- (2) The following rules apply in relation to a meeting referred to in subsection (1):
- (a) the meeting must be conducted in accordance with the applicable procedure bylaw;
 - (b) the facilities must enable the meeting's participants to hear, or watch and hear, each other;
 - (c) for a special council meeting referred to in subsection (1) (a),
 - (i) the notice under section 127 (2) [*notice of special meetings*] must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear the proceedings that are open to the public, and
 - (ii) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place,

and a designated municipal officer must be in attendance at the specified place;

- (d) for a meeting referred to in subsection (1) (b), except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.
- (3) Members of council or a council committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

Quorum for conducting business

- 129** (1) Subject to an order under subsection (3) or (4), the quorum is a majority of the number of members of the council provided for under section 118 [*size of council*].
- (2) The acts done by a quorum of council are not invalid by reason only that the council is not at the time composed of the number of council members required under this Act.
- (3) If the number of members of a council is reduced to less than a quorum, the minister may either
- (a) order that the remaining members of the council constitute a quorum until persons are elected and take office to fill the vacancies, or
 - (b) appoint qualified persons to fill the vacancies until persons are elected and take office to fill them.
- (4) The municipality may apply to the Supreme Court for an order under subsection (5) if, as a result of section 100 [*disclosure of conflict*], the number of council members who may discuss and vote on a matter falls below
- (a) the quorum for the council, or
 - (b) the number of council members required to adopt the applicable bylaw or resolution.
- (5) On an application under subsection (4), the court may
- (a) order that all or specified council members may discuss and vote on the matter, despite sections 100 [*disclosure of conflict*] and 101 [*restrictions on participation*], and
 - (b) make the authority under paragraph (a) subject to any conditions and directions the court considers appropriate.
- (6) An application under subsection (4) may be made without notice to any other person.

Designation of member to act in place of mayor

- 130** (1) The council must, in accordance with its applicable procedure bylaw, provide for the designation of a councillor 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 mayor is vacant.

- (2) If both the mayor and member designated under subsection (1) are absent from a council meeting, the members present must choose a member to preside.
- (3) The member designated under subsection (1) or chosen under subsection (2) has the same powers and duties as the mayor in relation to the applicable matter.

Mayor may require council reconsideration of a matter

- 131**
- (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.
 - (2) As restrictions on the authority under subsection (1),
 - (a) the mayor may only initiate a reconsideration under this section
 - (i) at the same council meeting as the vote took place, or
 - (ii) within the 30 days following that meeting, and
 - (b) a matter may not be reconsidered under this section if
 - (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or
 - (ii) there has already been a reconsideration under this section in relation to the matter.
 - (3) On a reconsideration under this section, the council
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
 - (4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Authority of Chairperson

- 132**
- (1) The mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise, subject to an appeal under this section.
 - (2) On an appeal by a council member from a decision of the Chairperson under subsection (1), the question as to whether the chair is to be sustained must be immediately put by the Chairperson and decided without debate.
 - (3) As exceptions to section 123 [*general voting rules*],
 - (a) the mayor or other Chairperson may not vote on a motion under subsection (2),
 - (b) the motion passes in the affirmative if the votes are equal, and
 - (c) the mayor or other Chairperson must be governed by the result.

- (4) If the mayor or Chairperson refuses to put the question under subsection (2),
 - (a) the council must immediately appoint another member to preside temporarily,
 - (b) that other member must proceed in accordance with subsection (2), and
 - (c) a motion passed under this subsection is as binding as if passed under subsection (2).

Expulsion from meetings

- 133** (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
- (2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

Authority to compel witnesses

- 134** (1) A council or council committee
- (a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and
 - (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.
- (2) A member of council or the City Clerk may administer the oath to or take the solemn affirmation of a witness.
- (3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

Meetings and hearings outside municipality

- 134.1** (1) If authorized under subsection (2), the following meetings, hearings and other proceedings may be held, and all powers, duties and functions may be exercised in relation to those proceedings, outside the boundaries of the municipality:
- (a) council meetings;
 - (b) council committee meetings;
 - (c) other public meetings conducted by or on behalf of the council or a council committee;
 - (d) council hearings that are required by law or authorized by an enactment;
 - (e) council proceedings in which a person is entitled under this Act to make representations to the council.
- (2) A council may do either or both of the following:

- (a) by bylaw, provide that meetings, hearings or other proceedings referred to in subsection (1) may be held outside the boundaries of the municipality;
- (b) by resolution in a specific case, allow a meeting, hearing or other proceeding to be held outside the boundaries of the municipality.