

"COUNCIL PROCEDURE BYLAW 2007 NO. 7060"

Consolidated Version

2015-APR-20

Includes Amendments: 7060.01, 7060.02, 7060.03

CITY OF NANAIMO

BYLAW NO. 7060

A BYLAW TO REGULATE THE MEETINGS OF THE COUNCIL
AND THE CONDUCT THEREOF

WHEREAS under section 124 of the *Community Charter* Council must establish procedures to be followed for the conduct of its business;

NOW, THEREFORE, the Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as the "COUNCIL PROCEDURE BYLAW 2007 NO. 7060".

PART I – GENERAL

2. Interpretation

In this Bylaw unless the context requires otherwise:

"ADVISORY BODY"	means an advisory committee appointed by Council for the purpose of providing advice to Committees, Commissions and staff.
"AVICC"	means the Association of Vancouver Island Coastal Communities.
"BOARD OF VARIANCE"	means an independent Board, comprised of 5 members, appointed by Council for the purpose of hearing appeals outlined in Section 901 (2) of the Local Government Act.
"CITY"	means the City of Nanaimo.
"CITY HALL"	means Nanaimo City Hall located at 455 Wallace Street, Nanaimo, British Columbia.
"CITY WEBSITE"	means the information resource found at an internet address provided by the City.
"COMMISSION"	means a municipal commission appointed by Council under Section 143 of the <i>Community Charter</i> .
" COMMITTEE OF THE WHOLE" (<i>Bylaw No. 7060.02</i>)	means a committee of Council comprised of all members of Council as established pursuant to "COUNCIL DELEGATION OF POWERS BYLAW 2006 NO. 7022".

"CORPORATE OFFICER" (Bylaw No. 7060.02)	means the person responsible for corporate administration as set out under Section 147 of the <i>Community Charter</i> .
"COUNCIL"	means the Council of the City.
"FCM"	means the Federation of Canadian Municipalities.
"IN CAMERA MEETING"	means a meeting that is closed to the public in accordance with Sections 90 and 92 of the <i>Community Charter</i> .
"MAYOR"	means the Mayor of the City.
"MEMBER"	means a member of the Council.
"PARCEL TAX ROLL REVIEW PANEL"	Means a panel consisting of at least 3 members appointed by Council under Section 204 of the <i>Community Charter</i> to consider complaints respecting the parcel tax roll and to authenticate the roll.
"PUBLIC NOTICE POSTING PLACE"	means the Notice Board at the front entry of Nanaimo City Hall, 455 Wallace Street, Nanaimo, BC, or the Bowen Park Complex lobby, 500 Bowen Road, Nanaimo, BC, or the Beban Park Pool notice board in the lobby at 2300 Bowen Rd. Nanaimo, BC.
"QUORUM"	means the majority of Council.
"STANDING COMMITTEE"	means a committee appointed by the Mayor under Section 141 of the <i>Community Charter</i> for matters the Mayor considers would be better dealt with by a Committee and at least half of the members must be Council members.
"SELECT COMMITTEE"	means a committee appointed by Council under Section 142 of the <i>Community Charter</i> for a select purpose and to report its finding and opinion to the Council. At least one member of a select committee must be a Council member.
"UBCM"	means the Union of British Columbia Municipalities.

3. Application of Rules of Procedure

- 3.1 The provisions of this Bylaw govern the proceedings of Council, Commissions, Standing Committees, Select Committees, the Committee of the Whole and Advisory Bodies. (Bylaw No. 7060.02)

- 3.2 In cases not provided for under this Bylaw, the the current edition of 'Roberts Rules of Order Newly Revised', apply to the proceedings of Council and Council Committees to the extent that those *Rules* are:
(*Bylaw No. 7060.02*)
- (a) applicable in the circumstances;
 - (b) not inconsistent with provisions of this Bylaw, the *Community Charter* or the *Local Government Act*.

PART II – COUNCIL MEETINGS

4. Inaugural Meeting

- 4.1 Following a general local election, the first Council meeting will be held on the first Monday in November in the year of a general local election. (*Bylaw No. 7060.03*)
- 4.2 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 Section 4.1, the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office. (*Bylaw No. 7060.02*)

5. Time and Location of Meetings

- 5.1 All Council meetings must take place within the Shaw Auditorium or the Douglas Rispin Room, except when Council resolves to hold meetings elsewhere and dictates the Legislative Services Department to give notice of the different meeting place by posting a notice of the change on the Public Notice Posting Place at least 24 hours prior to the time of the Council meeting.
(*Bylaw No. 7060.01*)
- 5.2 Regular Council meetings will:
- (a) be held on the first and third Monday of each month, with the exception of January in which no meeting will be held the first Monday, and July and August in which only one meeting will be held on the second Monday of the month; (*Bylaw No. 7060.03*)
 - (b) where a Council meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held, the meeting should be held on the following Monday.
 - (c) Repealed. (*Bylaw No. 7060.03*)
 - (d) begin at 7:00 p.m.; and
 - (e) be adjourned before 11:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with Section 36.

5.3 Regular Council meetings may:

- (a) be cancelled by Council, provided that two consecutive meetings are not cancelled;
- (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two days written notice of the change. (*Bylaw No. 7060.02*)

6. Notice of Council Meetings

- 6.1 In accordance with Section 127 of the *Community Charter*, Council must prepare annually on or before December 1st, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Place and on the City Website.
- 6.2 Council must give notice annually on or before December 1st, in accordance with Section 94 of the *Community Charter*, of the time and duration that the schedule of Regular Council meetings is available to the public.
- 6.3 Where revisions are necessary to the annual schedule of Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice on the Public Notice Posting Place and the City Website which indicates any revisions to the date, time and place or cancellation of a Regular Council meeting. (*Bylaw No. 7060.02*)

7. 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 the meeting, by:
 - (a) posting a copy of the notice on the Public Notice Posting Place and the City's Website; and
 - (b) placed in Council's electronic schedule.
- 7.2 The notice under Section 7.1 must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer. (*Bylaw No. 7060.02*)
- 7.3 Notice of a Special Council meeting may be waived by unanimous vote of all Council members.

8. Annual Municipal Report

- 8.1 In accordance with Section 99 of the *Community Charter*, the Council must annually consider the Annual Municipal Report. The Corporate Officer must give notice, in accordance with Section 94 of the *Community Charter*, of the date, time and place when Council will consider:
(Bylaw No. 7060.02)
- (a) the annual report prepared under Section 98 of the *Community Charter*;
 - (b) submissions and questions from the public.

9. Electronic Meetings

- 9.1 Provided the conditions set out in Subsection 128(2) of the *Community Charter* are met:
- (a) a Special Council meeting may, upon authorization of the Mayor, be conducted by means of electronic or other communication facilities;
 - (b) a member of Council or a Committee member who is unable to attend at a Council or Committee of the Whole or Committee meeting, may, upon authorization of the Mayor or Chair, participate in the meeting by means of electronic or other communication facilities.
- 9.2 The member presiding at a Special Council or Council Committee meeting must not participate electronically.
- 9.3 No more than two members of Council at one time may participate at a Special Council meeting under Section 9(1)(a).

PART III – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

10. Acting Mayor

- 10.1 Council must, on an annual basis, 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.
- 10.2 Each Councillor designated under Section 10.1 is responsible for fulfilling the duties of the Mayor in his or her absence.
- 10.3 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 Section 10.1 to preside at the Council meeting.
- 10.4 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 10.1 shall be the Acting Mayor.

- 10.5 The member designated under Section 10.1, 10.3 or 10.4 has the same powers and duties as the Mayor.

PART IV – COUNCIL PROCEEDINGS

11. Attendance of Public at Meetings

- 11.1 Except where the provisions of Section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- 11.2 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*.
- 11.3 This Section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter* including Council committees, commissions, a parcel tax roll review panel, a board of variance, or advisory bodies.
- 11.4 Despite Subsection 11.1, the Mayor or the Acting Mayor may expel or exclude from a Council meeting a person in accordance with Section 133 of the *Community Charter*.

12. Calling Meeting to Order

- 12.1 As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order; however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with Section 10 must take the Chair and call such meeting or order.

13. Adjourning Meeting Where No Quorum

- 13.1 If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
(*Bylaw No. 7060.02*)
- (a) record the names of the members present and those absent; and,
 - (b) adjourn the meeting until the next scheduled meeting.

14. Order of Proceedings and Business (*Bylaw No. 7060.02*)

- 14.1 The Agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
- Introduction of Late Items
 - Adoption of Agenda
 - Adoption of Minutes
 - Presentations
 - Mayor's Report

- Reports to Council (by Department / Topic)
 - Delegations
 - Correspondence (related to Report to Council)
 - Commission or Committee Report to Council
 - Staff Report to Council
 - Bylaws (that have an accompanying report)
- Bylaws (with no accompanying report)
- Correspondence (not related to a Report to Council)
- Council Appointments
- Notice of Motion
- Other Business
- Question Period
- Adjournment

14.2 Notwithstanding the provisions under Section 14.1, it shall always be in order for the Council to vary the order in which the business on the Agenda shall be dealt with by a majority vote of the members present.

15. Agenda

- 15.1 Prior to each Council meeting, the Corporate Officer shall prepare an Agenda setting out all items for consideration at that meeting. (*Bylaw No. 7060.02*)
- 15.2 The deadline to submit items to the Corporate Officer for inclusion on a Council meeting Agenda shall be 12:00 p.m. on the second Friday preceding the meeting. When Friday is a holiday, the deadline shall be Thursday. (*Bylaw Nos. 7060.02, 7060.03*)
- 15.3 Items received in the Legislative Services Department after the appropriate deadline in Section 15.2 shall not be placed on the Agenda, but shall instead be placed on the Agenda for consideration at the following Council meeting, unless the item is introduced as a Late Item pursuant to Section 16.
- 15.4 Council Agendas will be available to the members of Council and the public by 4:00 p.m. the Tuesday preceding the meeting. (*Bylaw No. 7060.03*)
- 15.5 Only those matters included on the Agenda shall be considered or dealt with at the Council meeting unless a new matter for consideration is properly introduced as a Late Item pursuant to Section 16.
- 15.6 In cases where documents are too unwieldy to be readily reproduced, the Corporate Officer may omit these materials from the Agenda and may, instead, merely refer to these items in short form on the Agenda and keep the documents on file in the Legislative Services Department as per the City's Record Retention Policy. (*Bylaw No. 7060.02*)

16. Late Items:

16.1 For the purposes of this section, the following terms are defined as:

(a) Essential Items:

These would include matters arising after the preparation of the Agenda and which, if not acted upon in a timely manner, would prejudice or compromise the City's position or the position of a constituent or group of constituents. These topics would be of a legal or legislative nature.

(b) Elective Items:

These would include matters which are purely administrative and require no background information to support them or provide additional information pertinent to items on the agenda.

(c) Deadlines:

The deadline for essential or elective items to be included as a Late Item for the agenda is 11:00 a.m. with an addendum agenda made available by 4:00 p.m. on the Friday preceding the meeting. (*Bylaw No. 7060.03*)

17. Voting at Meetings

17.1 The following procedures apply to voting at Council meetings:

- (a) when debate on a matter is closed, the presiding member must put the matter to a vote.
- (b) Council members who are in the room shall take their places when a vote is called for, and shall not leave until the vote has been taken;
- (c) after the presiding member finally puts the question to a vote under paragraph (a), a member must not speak to the question or make a motion concerning it;
- (d) the presiding member's decision about whether a question has been finally put is conclusive;
- (e) whenever a vote of the Council is taken for any purpose, each member present and voting shall signify their vote upon the question, openly and individually by raising their hand, and the Chair shall declare the motion carried or defeated as the case may be;
- (f) no vote shall be taken in a Council meeting by ballot or by any other method of secret voting.

18. Delegations

- 18.1 All delegations requesting permission to appear before Council shall submit a written request to address the members of Council, including a written brief outlining their intended presentation.
- 18.2 Any request to appear before Council shall be received, in writing, prior to the appropriate deadline stated in Section 15.2 in order to be placed as a new matter on the Council Agenda.
- 18.3 Any request to appear before Council pertaining to an item already on the Agenda shall be received up to Friday at 11:00 a.m. prior to the meeting. Those delegations that have not been received in time to be placed on the Agenda but were received prior to Friday at 11:00 a.m. shall be distributed to Council as a Late Item and shall be given ten (10) minutes to make their presentation. (*Bylaw No. 7060.03*)
- 18.4 All delegation requests pertaining to items on the Agenda shall be heard prior to receipt of the relevant Report(s) to Council. Any delegation requests that do not pertain to an item on the Agenda shall be placed on the next Committee of the Whole agenda. (*Bylaw No. 7060.02*)
- 18.5 All delegations shall be afforded ten (10) minutes to make their presentation and shall be restricted to the topic as included on their written submission. Additional time may be available, at the discretion of the Chair, for answering questions from members of Council

Delegations received after Friday at 11:00 a.m. regarding matters already on the Agenda will be referred to a future meeting unless Council passes a resolution to hear the delegation. If approved, the delegation shall be afforded five (5) minutes to make their presentation prior to the receipt of the relevant Report(s) to Council. (*Bylaw No. 7060.03*)
- 18.6 Notwithstanding Section 18.5, multiple speakers (four or more) on a single issue or topic shall be given five (5) minutes each to make their presentations.
- 18.7 There shall be no limit to the number of delegations included on the Agenda for items that have been included on the agenda. (*Bylaw No. 7060.02*)
- 18.8 The Corporate Officer shall be granted the authority to screen delegation requests and, if deemed appropriate, refuse to place a delegation on the Agenda if the issue is not within the mandate or jurisdiction of a Municipal Council. In the event the delegation wishes to appeal the Corporate Officer' decision, the information shall not be placed on the Agenda but shall be distributed under separate cover to Council for their consideration. (*Bylaw No. 7060.02*)

18.9 Where a delegation has addressed Council on a particular issue, if a subsequent request is received from the same delegation to address Council on the same issue, and no new significant information is being provided, the Corporate Officer will be granted the authority to not place the item on the Agenda, but will circulate the request under separate cover as an item of general information. *(Bylaw No. 7060.02)*

19. Notice of Motion

19.1 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 Corporate Officer during a meeting of the Council and upon the member being acknowledged by the Chair and the Notice of Motion being read to the meeting. *(Bylaw No. 7060.02)*

19.2 A copy of the motion presented under Section 19.1 shall appear in the Minutes of that meeting as a "Notice of Motion". The Corporate Officer 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. *(Bylaw No. 7060.02)*

20. Question Period

20.1 At the Conclusion of the proceedings, the Council members shall provide time to answer inquiries from the Media and any member of the public, but such inquiries shall be strictly limited to matters considered by the Council at that particular meeting. The Chair shall determine, if necessary, when sufficient discussion has taken place.

PART V – PETITIONS AND COMMUNICATIONS

21. Proper Form

21.1 All communications and petitions intended to be presented to Council shall be legibly written, typed or printed, signed by at least one person and shall be dated and include a contact phone number before being accepted.

22. Referrals

22.1 Communications addressed to Council which relate to matters that fall within the scope of responsibility of a particular City department may be referred by the Corporate Officer directly to that department. *(Bylaw No. 7060.02)*

22.2 If a matter is referred under Section 22.1, a copy of the communication shall be copied to each member of the Council and the General Managers, with a copy forwarded to the appropriate Staff member. An acknowledgement shall be provided to the writer on receipt of the communication, advising where the matter has been referred.

22.3 All requests for proclamations will be forwarded directly to the Mayor's office to be executed. *(Bylaw No. 7060.02)*

- 22.4 A right of appeal from any referral under Sections 22.1 and 22.3 may be made to the City Manager who shall determine the final disposition of the matter. As well, Council may refer any item of correspondence as it deems appropriate.
- 22.5 All petitions or other written communications which require a report may be referred to the City Manager by means of formal motion.

PART VI – BYLAWS

23. Form of Bylaws

- 23.1 A bylaw introduced at a Council meeting must:
- (a) be printed;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number;
 - (d) contain an introductory statement of purpose;
 - (e) be divided into sections.

24. Bylaws to be Considered Separately or Jointly

- 24.1 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.

25. Reading and Adopting Bylaws

- 25.1 Every proposed bylaw shall receive three separate readings prior to its final adoption.
- 25.2 The first three readings of a bylaw may be given on the same day, except in the case of an Official Community Plan designation bylaw or a Zoning bylaw which is to be considered at a Public Hearing.
- 25.3 An Official Community Plan designation bylaw or a Zoning bylaw which is to be considered at Public Hearing may receive only first and second reading at the time of introduction.
- 25.4 Where the Council resolves to consider a bylaw clause by clause, such consideration shall be done at the second reading of the bylaw.

- 25.5 Where Council desires to amend a bylaw after third reading with the exception of those specific provisions respecting an Official Community Plan designation bylaw or a Zoning bylaw, it may do so as follows:
- (a) by motion to reconsider third reading and, if carried;
 - (b) by motion to amend the bylaw at third reading in accordance with the procedure set down in this bylaw;
 - (c) by motion to pass third reading of the bylaw as amended.
- 25.6 Despite Section 135(3) of the *Community Charter*, and in accordance with Section 890(9) of the *Local Government Act*, an Official Community Plan designation bylaw or a Zoning bylaw may be adopted at the same meeting at which the bylaw passed third reading.
- 25.7 The Acting Mayor shall be the Councillor designated to introduce and move each bylaw to be considered by Council.

26. Bylaws Must be Signed

- 26.1 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 City's records for safekeeping with the following affixed to the bylaw:
(Bylaw No. 7060.02)
- (a) the City's corporate seal,
 - (b) the dates of its readings and adoption,
 - (c) the date of the Public Hearing if applicable; and,
 - (d) the date of Ministerial approval or approval of the electorate if applicable.

PART VII – RESOLUTIONS

27. Copies of Resolutions to Council Members

- 27.1 A resolution may be introduced and considered at a meeting as long as it has been included as an item on the Council's printed Agenda or placed as a Late Item in accordance with Section 16 of this bylaw.

PART VIII – MOTIONS

28. Introduction of Motion

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

29. Recording of Motions in Minutes:

29.1 Every motion that has been seconded shall be recorded in the Minutes.

29.2 Notwithstanding Section 29.1, motions that have been withdrawn by Council as per Section 31, shall not be recorded in the Minutes.

29.3 The names of the members who moved and seconded a motion presented to Council shall not be recorded in the Minutes.

29.4 All votes on motions will be recorded as either:

- (a) carried unanimously;
- (b) defeated unanimously; or,
- (c) in cases where unanimity is not reached, the names of those who voted against the motion will be recorded in the Minutes.

30. Consideration of Motions

30.1 When any motion is under consideration, no other motion shall be received, except a motion to amend, refer, table or postpone.

31. Withdrawal of Motions

31.1 After a motion has been made and seconded, it shall be deemed to be in the possession of the Council, but the motion may be withdrawn by the mover of the motion at any time before a decision or amendment is made, provided that the mover has the consent of the seconder.

32. Appeal Ruling of the Chair

32.1 Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, the Chair shall apprise the members thereof without proposing the question and shall cite the rule or authority applicable to the case without argument or comment. The ruling of the Chair may be appealed to the other members of Council then present.

32.2 On an appeal by a Council member from the decision of the Chair, the question shall be immediately put by him, and decided without debate "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the Council members then present, excluding himself. In the event of the votes being equal, the question shall pass in the affirmative.

32.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Council shall immediately appoint a Chair pro tem. He shall proceed in accordance with Section 32.2. A resolution or motion carried under this Section is binding.

33. Reconsideration

33.1 A motion/resolution which was adopted or defeated may be reconsidered by Council provided that the resolution has not had the assent of the electors, has not been reconsidered under this Section or Section 131 of the *Community Charter*, and has not been acted upon by an officer, servant or agent of the Municipality.

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) may be seconded by any member;
- (c) 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;
- (d) must receive a majority vote of Council for it to be adopted;
- (e) if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds consent of all the members of Council.

33.2 Each resolution or reading of a bylaw may be reconsidered under the provisions of Section 33.1.

33.3 Notwithstanding section 33.2, once a bylaw is finally adopted, it may not be reconsidered except in accordance with Section 131 of the *Community Charter*.

33.4 Notwithstanding section 33.2, resolutions for third reading or final adoption of an Official Community Plan Bylaw or Zoning Bylaw shall not be reconsidered.

PART IX – RULES OF CONDUCT AND DEBATE

34. Decorum in Debate

34.1 Every Council member who wishes to speak to any question or motion shall raise their hand, wait to be recognized by the Chair and shall address themselves to the Chair.

34.2 Members of Council shall address the Chair as "Mr. Mayor, "Madam Mayor", or "Your Worship" or "Mr. or Madam Acting Mayor", or "Mr. or Madam Chair" as the case may be, and shall refer to each other as "the Mayor" or "Councillor _____", as the case may be.

- 34.3 Members of Staff shall be addressed as Mr., Mrs., or Ms. or else shall be referred to by their official title.
- 34.4 When two or more Council members desire to speak at the same time, the Chair shall name the member who shall have the floor.
- 34.5 When the Chair is of the opinion that there has been sufficient debate he may put the question.
- 34.6 Any questions addressed to Staff shall be put through the Chair to the City Manager who shall refer the matter to the appropriate Staff representative if necessary.

35. Chair – Questions of Order

- 35.1 The Chair may call any Council member to order while that member is speaking.
- 35.2 When such action is taken, the Chair shall immediately suspend the debate, and the Council member in question shall refrain from speaking until the point of order is determined by the Chair, whose ruling is subject to an appeal by the Council members.
- 35.3 No Council member shall speak to any matter other than the question in debate or reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.
- 35.4 No Council member shall resist the rules of the Council nor disobey the decision of the Chair on points of order or practice, or upon the interpretation of the rules of the Council.
- 35.5 Should any Council member resist or disobey the decision of the Chair, the members may order the member in question to leave his seat for that meeting, and in the event of his refusing to do so, the Chair may order that the member be removed from the meeting.
- 35.6 In the event of satisfactory apology being made by the offending member, the Council may, by vote of the majority, permit the member to resume their seat forthwith.
- 35.7 When a Council member is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order, nor shall a member pass between the speaker and the Chair.
- 35.8 Any Council member may, by right, require the question under discussion to be read for his information at any period of the debate, but shall not do so as to interrupt a member speaking.
- 35.9 The Chair may speak at any time to either explain or clarify the effect of the motion then before the Council, but should the Chair determine to take part in any debate, the Chair shall be vacated while addressing the Council, and a new Chair shall assume the Chair as provided under Section 10. The Chair shall not be resumed until after the vote has been taken on the question.

35.10 When the question under consideration contains more than one recommendation, any member may request, by motion, that the vote upon each recommendation shall be taken separately and the Council members shall decide by majority vote of the members present how such vote shall be taken.

36. 11:00 P.M. Curfew

36.1 The Council shall observe an 11:00 p.m. curfew whereby the item on the Agenda under discussion at 11:00 p.m. will be the last item dealt with on that day unless, by majority vote, the Council members decide to extend the time of adjournment.

PART X – MINUTES

37. Adoption and Distribution

37.1 Minutes of the proceedings of Council, Committees, and Commissions must be legibly recorded, certified as correct by the Corporate Officer and signed by the Mayor or other member presiding at the meeting. Minutes of Advisory Bodies may be signed off by the Chair of that Advisory Body. (*Bylaw No. 7060.02*)

37.2 Prior to adoption, the Corporate Officer shall distribute a copy of all Minutes of Council meetings to each member of Council. (*Bylaw No. 7060.02*)

37.3 Whenever possible, Minutes of a given meeting shall be adopted at the next Council meeting or Committee/Commission meeting, as appropriate.

37.4 In accordance with Section 97 of the *Community Charter*, Minutes of the proceedings of Council/Committees and Commissions must be available for public inspection at City Hall during its regular office hours.

37.5 Section 37.4 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*.

PART XI – CONDUCT OF COMMITTEE BUSINESS

38. Committee of the Whole
(*Bylaw No. 7060.02*)

38.1 The Committee of the Whole shall meet bi-weekly on the opposite Mondays of Council at 4:30 p.m. with the exception of July, August and December in which only one meeting will be held;

38.2 Despite subsection 38.1, meetings will not be held where a Finance/Policy Committee meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held.

38.3 The Acting Mayor shall act as Chairperson of the Committee of the Whole, unless otherwise determined by the Mayor.

- 38.4 The Council, pursuant to the Council Delegation of Powers Bylaw has delegated its authority to the Committee of the Whole to exercise any of the executive and administrative powers of Council.
- 38.5 The Committee of the Whole may, by a majority vote of the Committee, refer any item appearing on the agenda to the regular Council for its consideration. If an item is referred in the manner noted above, the Corporate Officer shall place the item referred on the next regular Council agenda. (*Bylaw No. 7060.02*)

39. Duties of Commissions/Committees and Advisory Bodies

- 39.1 Commissions/Committees and Advisory Bodies 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 Commission;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- 39.2 Commissions/Committees or Advisory Bodies must report and make recommendations to Council on all of the following items:
- (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.

40. Schedule of Meetings

- 40.1 At its first meeting after its establishment a Commission, Committee or Advisory Body must establish a regular schedule of meetings.
- 40.2 The Chair of a Commission, Committee or Advisory Body may call a meeting in addition to the scheduled meetings or may cancel a meeting.

41. Notice of Meetings

- 41.1 After the Commission or Advisory Body has established the regular schedule of meetings, including the times, dates and places of the meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the applicable Public Notice Posting Place; and
 - (b) providing a copy of the schedule to each member of the Commission, Committee or Advisory Body.

41.2 Where revisions are necessary to the annual schedule of Commission, Committee or Advisory meetings, as soon as possible a notice must be posted at the applicable Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a meeting.

42. Minutes of Meetings

42.1 Minutes of Committee of the Whole, Commissions, Standing, or Select Committees must be maintained and available to public and:

- (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*.

43. Quorum

43.1 The quorum for a Committee of the Whole, Standing, Select or Advisory Committee or Commission is a majority of all of its members.

43.2 If a Committee/Commission member misses more than 3 meetings in a row, Council may rescind their appointment at any time and appoint another person in place of the person whose appointment was rescinded.

44. Conduct and Debate

44.1 The rules of the Council procedure must be observed during Standing or Select Committees, Commission, or Advisory Body meetings, so far as is possible and unless as otherwise provided in this Bylaw.

44.2 Council members may attend any meetings of a Standing or Select Committee, Commission or Advisory Body and may participate in discussions; however, only members who have been appointed or an alternate member attending in the absence of an appointed committee member, may introduce or vote on the proceedings.

44.3 The Mayor shall be an ex-officio, a voting member of all Committees and Commissions and when in attendance, shall possess all the rights, privileges, powers and duties of other members.

45. Delegations

45.1 When a person or a group of persons wish to appear as a delegation before a Standing or Select Committee, Commission or Advisory Body on a matter within the jurisdiction of the Committee, they shall be subject to the requirements set out in this bylaw.

46. Sub-Committees

46.1 Committee of the Whole, Standing, Select or Advisory Committees or Commissions shall not be permitted to create sub-committees without the prior approval of Council.

47. Recommendations

47.1 Standing or Select Committee, Commission, or Advisory Body recommendations shall be subject to the approval of the Council, except where the Standing, Select, Committee of the Whole or Advisory Committee has been delegated administrative power by the Council.

PART XII – GENERAL

48. 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.

49. Any one or more of the rules and orders contained in this bylaw may be temporarily suspended by an affirmative vote of the majority of all Council members.

50. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with Section 94 of the *Community Charter*.

51. "COUNCIL PROCEDURE BYLAW 2005 NO. 7007" and amendments thereto, are hereby repealed.