

CITY OF NANAIMO

BYLAW NO.7272

A BYLAW TO ESTABLISH THE RULES OF PROCEDURE FOR COUNCIL,
COMMITTEE OF THE WHOLE AND COMMITTEE MEETINGS.

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COMMITTEE OF THE WHOLE AND COMMITTEE MEETINGS.

A Bylaw to establish the rules of procedure for Council, Committee of the Whole and Committee meetings.

The Council for the City of Nanaimo in open meeting assembled ENACTS AS FOLLOWS:

Title

1.1 This Bylaw may be cited as the “Council Procedure Bylaw 2018 NO. 7272”.

PART I – GENERAL

Definitions

2.1 In this Bylaw:

“ACTING MAYOR”	means the Council member who, in accordance with Part IV of this Bylaw, is 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.
"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 542 of the <i>Local Government Act</i> .
“CHAIR”	means the person presiding at a meeting.
“CITY”	means the City of Nanaimo.
“CITY HALL”	means Nanaimo City Hall located at 455 Wallace Street, Nanaimo, British Columbia.
“CHIEF ADMINISTRATIVE OFFICER”	means the person appointed by Council as the Chief Administrative Officer for the City and his or her designate.
“COMMISSION”	Means a municipal commission appointed by Council until Section 143 of the <i>Community Charter</i> .
“COMMITTEE”	means a Standing, Select or other committee of Council, but does not include COW.
“COMMITTEE OF THE WHOLE”	means a committee of Council comprised of all members of Council.

“COMMUNITY CHARTER”	means the <i>Community Charter</i> , S.B.C. 2003, c. 26 and its amendments.
“CORPORATE OFFICER”	means the person responsible for corporate administration as set out under Section 148 of the <i>Community Charter</i> .
“COW”	means the Committee of the Whole.
“COUNCIL”	means the Council of the City.
“DELEGATION”	means a person, group, or organization which makes a request to speak at a meeting of Council, COW, or Committee.
“ELECTRONIC MEANS”	means a process of communication that does not directly involve a physical transfer of paper and that is suitable for the retention, retrieval and reproduction of information by the recipient.
“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> .
“LOCAL GOVERNMENT ACT”	means the <i>Local Government Act</i> , R.S.B.C. 2015, c.1 and its amendments.
“MAYOR”	means the Mayor of the City.
“MEMBER”	means a member of the Council or Council Committee.
“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 HEARING”	means a formal open meeting of officials and citizens where citizens are permitted to offer comments as a means of gathering public opinions and concern on political issues before a decision is made, or action is taken.
“PUBLIC NOTICE POSTING PLACE”	means the Notice Board at the front entry of Nanaimo City Hall, 455 Wallace Street.
“QUORUM”	means the majority of Council.
“RECORDING SECRETARY”	means the person who is responsible for taking the minutes at a Council or Committee meeting.

- “STANDING COMMITTEE” means a committee appointed by the Mayor under Section 141 of the *Community Charter* 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 *Community Charter* 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.

Applications of Rules of Procedure

- 3.1 The provisions of this Bylaw will govern the proceedings of Council, COW and Committees for the City.
- 3.2 In cases not provided for under this Bylaw the latest edition of Robert’s Rules of Order will apply to the proceedings of Council, COW and Committees to the extent that those rules are:
- (a) applicable in the circumstances; and,
 - (b) not inconsistent with the provisions of this Bylaw, the *Community Charter* or the *Local Government Act*.

PART II – COUNCIL MEETING ADMINISTRATION

Inaugural Meeting

- 4.1 Council will hold the first meeting of Council within the first 10 days of November pursuant to section 124 of the *Community Charter*.
- 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 in section 4.1, the first Council meeting will be called by the Corporate Officer and held as soon as reasonably possible after a quorum of Council Members has taken office.

Time and Location of Meetings

- 5.1 Regular Council meetings will take place at the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.
- 5.2 Regular Council meetings will:
- (a) be held in accordance with the schedule adopted by Council on or before December 31 of the preceding year;
 - (b) begin:
 - (i) at 4:00 p.m. to proceed “In Camera”, if necessary, pursuant to section 90 of the *Community Charter*; and,
 - (ii) commence the open session of the meeting at 7:00 p.m.

- (c) 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 section 25.2.
- 5.3 Regular Council meetings may:
- (a) be cancelled by motion passed by Council, provided that two consecutive meetings are not cancelled;
 - (b) be postponed to a different date, time, or location by the Mayor, provided that the Council Members are given written notice at least 24 hours in advance; or,
 - (c) be postponed by a motion of Council to the date, time and location set out in the motion.
- 5.4 Special Council meetings may be held at the date, time and location specified in the notice for the Special Council meeting.

Notice of Regular Council Meetings

- 6.1 The Corporate Officer will:
- (a) have prepared annually on or before December 31 a schedule of dates, times and locations of Regular Council meetings for the following year to be approved by Council;
 - (b) have the schedule available to the public by posting it at the Public Notice Posting Place; and,
 - (c) have notice given annually when and where the schedule of Regular Council meetings will be available in accordance with the section 94 of the *Community Charter*.
- 6.2 If revisions are necessary to the schedule of the Regular Council meetings, the Corporate Officer, will, as soon as possible, post a notice on the Public Notice Posting Place which indicates any revisions to the schedule.
- 6.3 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 in which only one meeting will be held; and,
 - (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 will be held on the following Monday.

Notice of Special Meetings

- 7.1 Except where notice of a Special Council meeting is waived by a motion passed by a unanimous vote of all Council Members, the Corporate Officer will give a notice of the date, time and location of a Special Council meeting at least 24 hours before the time of the meeting.
- 7.2 The notice under section 7.1 will describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

Agenda

- 8.1 Prior to a meeting, the Corporate Officer will have prepared an agenda setting out all the items for consideration at that meeting and deliver a copy of the agenda to each Council Member at least 24 hours before the meeting, where possible.
- 8.2 The deadline for submissions to the Corporate Officer of items for inclusion on the agenda for the meeting by staff will be by 12:00 noon, the Monday one week prior to the meeting date.
- 8.3 Items received after the deadline set out in section 8.2 will not be placed on agenda for the upcoming meeting but will be placed on the agenda for the subsequent meeting unless the item is introduced as a late item pursuant to section 10.1.
- 8.4 The Corporate Officer will make the agenda for a meeting available to the public by posting the agenda on the Public Notice Posting Place:
 - (a) on the Thursday afternoon prior to the Regular Council meeting; or,
 - (b) as soon as practical for all other types of meetings.
- 8.5 Council will not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 10.1.

Order of Proceedings and Business

- 9.1 The agenda for all Regular Council meetings may contain the following matters in the order in which they are listed below:
 - (a) Call to Order
 - (b) Procedural Motion
 - (c) Introduction of Late Items
 - (d) Approval of the Agenda
 - (e) Adoption of the Minutes
 - (f) Mayor's Report
 - (g) Presentations
 - (h) Delegations
 - (i) Consent Items
 - (j) Reports
 - (k) Bylaws
 - (l) Correspondence
 - (m) Notice of Motion
 - (n) Other Business
 - (o) Question Period
 - (p) Adjournment
- 9.2 The agenda for all Special Council meetings may contain only whatever items are listed for consideration at that meeting.
- 9.3 Council will take up business at a Council meeting in the order in which it is listed on the agenda, except that an item may be taken out of its order by a motion passed by a majority vote of all Council Members present.

Late Items

- 10.1 Council will not consider an item of business not included on the agenda at a Council meeting unless a motion to introduce the item as a late item has been passed by a majority vote of all Council Members present.

Notice of Motion

- 11.1 A Council Member may give a notice of motion respecting an item which he or she intends to present at a future meeting by reading it aloud and providing a copy of the notice of motion to the Chair and the Corporate Officer either before or during the meeting.
- 11.2 The Corporate Officer will include the notice of motion under the notice of motion section in the minutes and will place the notice of motion with any relevant background information under other business on the agenda for the next meeting or another future meeting as requested by the Council Member who presented the notice of motion.
- 11.3 If the Council Member who presented the notice of motion is not in attendance at the meeting when the subject of that notice of motion is brought forward, the notice of motion will be postponed to the next meeting at which the Council Member who submitted the notice of motion is in attendance.

Petitions and Communications

- 12.1 A petition or a communication intended to be presented to Council will:
- (a) be legibly written, typed or printed;
 - (b) not be libelous, obscene, impertinent or improper;
 - (c) be dated;
 - (d) be signed by at least one person; and,
 - (e) include the name and civic address for each person who has signed the petition or communication.
- 12.2 The Corporate Officer may refer any communication addressed to Council which relates to a matter that falls within the scope of responsibility of a particular department directly to that department.
- 12.3 If such a matter is referred pursuant to section 12.2 the Corporate Officer will give a copy of communication to each Council Member and the appropriate staff member and will send an acknowledgement to the writer of the communication advising to whom the matter has been referred.
- 12.4 A person may appeal the referral of a communication pursuant to section 12.2 to the Chief Administrative Officer.
- 12.5 The Chief Administrative Officer shall make the final determination of an appeal made pursuant to section 12.4.

Annual Municipal Report

- 13.1 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:
- (a) the annual report prepared under Section 98 of the *Community Charter*;
 - (b) submissions and questions from the public.

PART III – CONSENT ITEMS

Consent Items

- 14.1 The Corporate Officer may prepare a list of consent items which will include various items, and recommendations on how to address those items.
- 14.2 The following matters will not be included under consent items:
- (a) items pertaining any changes to the financial plan;
 - (b) items pertaining the annual municipal report; or,
 - (c) items pertaining any changes to any strategic plans.
- 14.3 Council may vote on and adopt in one motion all recommendations appearing under the consent items.
- 14.4 If a Council Member makes a request to remove an item from the consent items for the purposes of:
- (a) debate or discussion;
 - (b) voting in opposition to a recommendation in the consent items; or,
 - (c) declaring a conflict of interest,

the Chair will remove applicable item and its recommendation from the consent items and have it considered separately by Council immediately after the consideration of the remaining consent item recommendations.

PART IV – DESIGNATION OF COUNCILLOR TO ACT IN PLACE OF MAYOR

Acting Mayor

- 15.1 On an annual basis, the Corporate Officer will prepare a schedule to designate the Council Members to serve as Acting Mayor on a rotating basis.
- 15.2 The Acting Mayor will fulfill the responsibilities of the Mayor in his or her absence.
- 15.3 If both the Mayor and Acting Mayor are absent from the Council meeting, the Council Member who is next in rotation as Acting Mayor and is in attendance at the meeting will act as the Chair at the meeting.

PART V – COUNCIL PROCEEDINGS

Attendance of Public at Meetings

- 16.1 Except where the provisions of section 90 of the *Community Charter* apply, all Council Meetings will be open to the public.
- 16.2 This section will apply to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) COW;
 - (b) Committees;
 - (c) Commissions;
 - (d) Parcel tax review panel;
 - (e) Board of variance; and,
 - (f) Task Forces.
- 16.3 Despite subsection 16.1, the Chair may expel or exclude a person from a Council meeting in accordance with section 133 of the *Community Charter*.

Calling Meeting to Order

- 17.1 As soon as possible after the time specified for a Council meeting, the Mayor will assume the position of Chair and call the Council meeting to order.
- 17.2 If the Mayor is absent, then the Acting Mayor will assume the position of Chair and call the meeting to order.
- 17.3 If a quorum of Council is present but the Mayor and the Acting Mayor do not attend within 15 minutes of the scheduled time for a Council meeting:
- (a) the Council Member who is next in the rotation for Acting Mayor and is in attendance at that meeting will call the meeting to order, and preside as Chair until the Mayor or Acting Mayor arrives at that meeting.
- 17.4 If the Mayor or the Acting Mayor arrive at any time during a meeting that was called pursuant to section 17.3, the Mayor or the Acting Mayor will then assume the position of Chair.

Adjourning Meeting where No Quorum

- 18.1 If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer will:
- (a) record the names of the Council Members who are present and those who are absent; and,
 - (b) adjourn the meeting until the next scheduled meeting.

Delegations

- 19.1 A Delegation requesting to appear before Council will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. the Monday of the meeting.

- 19.2 All presentations from Delegations must be received by the Legislative Services Department by 11:00 a.m. the Monday of the meeting. No late presentations will be displayed at the meeting.
- 19.3 Any delegation requests that do not pertain to an item on the Agenda shall be placed on the next Committee of the Whole agenda.
- 19.4 The Corporate Officer will screen Delegation requests and may do any of the following:
 - (a) schedule a Delegation to a later Council meeting, Committee or Commission meeting as deemed appropriate according to the subject matter of the written request;
 - (b) refuse to place a Delegation on the agenda if:
 - (i) the issue is not considered to fall within the mandate or jurisdiction of Council; or,
 - (ii) the Delegation has already spoken to Council on the same matter and no new significant information is provided; or,
 - (c) refer the matter to the appropriate department if the matter has already been referred to staff by Council.
- 19.5 If the Corporate Officer refuses to place the Delegation on the agenda pursuant to subsection 19.4(b), the Corporate Officer will distribute the information received from the Delegation under a separate cover to Council.
- 19.6 If the Delegation wishes to appeal the Corporate Officer's decision made pursuant to subsection 19.4(b), then:
 - (i) the Corporate Officer will distribute the information received from the Delegation under a separate cover to the Council; and,
 - (ii) the appeal will be considered when Council is adopting the agenda for the meeting at which the Delegation requested to appear.
- 19.7 If a Delegation request is received, but not within the timelines pursuant to section 19.1 the Corporate Officer will not place a Delegation on the agenda.
- 19.8 A Delegation which has made an appeal may address the Council at the meeting, if a motion is passed by a unanimous vote of all Council Members present at the start of the meeting.
- 19.9 A Delegation will be:
 - (a) restricted to the subject matter contained in the written request; and,
 - (b) limited to 5 minutes for the presentation unless a longer time period is permitted by a motion passed by a unanimous vote of all of the Council Members present.
- 19.10 Notwithstanding section 19.9, multiple persons from the same Delegation or multiple Delegations on the same, single issue or topic will be given 5 minutes each to make their presentations.
- 19.11 There shall be no limit to the number of delegations included on the Council Meeting Agenda for items that have been included on the Agenda.
- 19.12 Delegations on a Committee of the Whole Agenda will be limited to 3 delegations on the same topic.

- 19.13 Delegations on a Committee of the Whole Agenda will be limited to 5 minutes for their presentation unless a longer time period is permitted by a motion passed by a unanimous vote of all of the Council Members present.
- 19.14 Council may choose to hear a Delegation for a matter on the agenda either:
- (a) at the time when Council is considering a specific item on the agenda; or,
 - (b) during the Delegation portion of the meeting.
- 19.15 Council will not permit a Delegation to address Council regarding the following:
- (a) a bylaw in which a public or statutory hearing has already been held;
 - (b) matters on which the City had commenced legal proceedings and on which judgment has not been rendered;
 - (c) publicly tendered contracts or proposal calls for the provision of goods or services for the City between the time that such contract or proposal has been authorized and the time such contract or proposal call has been awarded either by Council or staff;
 - (d) a hearing pertaining to an application, permit or license which has not yet been considered by Council; or,
 - (e) other Delegation's requests.
- 19.16 A Council Member will:
- (a) limit their questions to a Delegation to seek clarification or additional details; and,
 - (b) not engage the Delegation in a debate or comment on the merits of the issue.
- 19.17 If a Delegation:
- (a) speaks disrespectfully to or of any person;
 - (b) refuses to abide by the rules for delegations;
 - (c) fails to adhere to the time limits; or,
 - (d) disregards the authority of the Chair to run the meeting,
- the Chair may do any of the following:
- (a) ask the Delegation to withdraw the offensive remarks or cease the offensive behavior;
 - (b) stop the presentation; or,
 - (c) take steps to have the Delegation abide by the Chair's instructions.
- 19.18 If the Delegation fails to comply with the Chair pursuant to section 19.17 the Chair may terminate the presentation and direct the Delegation to vacate the speaker's podium and return to the public seating area.
- 19.19 If the Delegation still fails to comply with the Chair's direction pursuant to section 19.18, then section 16.3 applies.

Point of Order

- 20.1 Without limiting the Chair's duty under the section 132(1) of the *Community Charter*, the Chair will apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this Bylaw; and,
 - (b) whether or not a Council Member has raised a point of order in connection with the motion.

- 20.2 If the Chair is required to decide a point of order:
- (a) the Chair will cite the applicable rule or authority, if requested by a Council Member;
 - (b) a Council Member will not question or comment on the rule or authority cited by the Chair under subsection 20.2(a); and,
 - (c) the Chair may reserve the decision until the next Council meeting.

Recess

- 21.1 At any time while the meeting is in progress, the Chair:
- (a) may call for a recess for a short period of time; and,
 - (b) will state the approximate duration for which the meeting will be recessed.

Voting at Meetings

- 22.1 The following procedures apply to voting at meetings:
- (a) when debate on a motion is closed, the Chair will put the motion to a vote of the Council Members;
 - (b) when the Chair is putting the motion to a vote, a Council Member will not:
 - (i) cross or leave the room;
 - (ii) make a noise or other disturbance; or,
 - (iii) interrupt the voting procedure unless the interrupting Council Member is raising a point of order;
 - (c) after the Chair finally puts the motion to a vote, a Council Member will not speak to the motion or make another motion concerning it;
 - (d) if a vote on a motion is taken, each Council Member present will signify his or her vote by:
 - (i) raising his or her hand;
 - (ii) pushing the appropriate button on any automated voting system being used at the meeting;
 - (iii) indicating whether he or she votes in favour or against the motion when his or her name is called; or,
 - (iv) by any other means specified by the Chair, except as prohibited by the *Community Charter* or this section;
 - (e) the Chair will not take a vote by ballot or any other method of secret voting;
 - (f) the Chair will declare the result of the vote; and,
 - (g) the Chair's decision about whether a motion has been finally put is conclusive.

Question Period

- 23.1 Questions will be addressed through the Mayor and Council members will respond with a 5 minute time limit.
- 23.2 The public will limit its questions strictly to matters considered by Council at that particular Council meeting;
- 23.3 (1) If a member of the public:
- (a) speaks disrespectfully to or of any person;
 - (b) refuses to abide by the rules;
 - (c) fails to adhere to the time limits;

- (d) does not ask a question; or,
 - (e) disregards the authority of the Chair to run meeting,
- the Chair may ask the person to abide by the Chair's instructions.

- (2) If the person fails to comply with the Chair pursuant to section 23.3(1), the Chair may direct the person to vacate the speaker's podium and return to the public seating area.
- (3) If the person still fails to comply with the Chair's direction pursuant to section 23.3(1) or 23.3(2), then section 16.3 applies.

23.4 The Chair will determine, if necessary, if sufficient discussion has taken place and may close the question period based on that determination.

Reconsideration

24.1 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.

24.2 Each resolution or reading of a bylaw may be reconsidered under the provisions of Section 24.1.

24.3 Notwithstanding section 24.2, once a bylaw is finally adopted, it may not be reconsidered except in accordance with Section 131 of the *Community Charter*.

24.4 Notwithstanding section 24.2, resolutions for third reading or final adoption of an Official Community Plan Bylaw or Zoning Bylaw shall not be reconsidered.

Adjournment

25.1 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.

- 25.2 A Council meeting may continue after 11:00 p.m. by a motion passed by a majority vote of all Council Members present.
- 25.3 As an exception to section 25.2, Council may continue to deal with the item on the agenda under discussion before adjournment, if the 11:00 p.m. has arrived and Council has not passed a motion to extend the time of adjournment.
- 25.4 A motion to adjourn either a Council meeting or a debate at a Council meeting is always in order.
- 25.5 Section 25.4 does not apply to either of the following motions:
(a) a motion to adjourn to a specific day; or,
(b) a motion that adds a qualification to a preceding motion to adjourn.

Meetings Conducted by Electronic Means

- 26.1 The Mayor may authorize a Council meeting to be conducted by Electronic Means as set out below.
- 26.2 The Electronic Means used will enable Council Members to hear and be heard simultaneously and permits the public to hear the participation of all Council Members during the meeting, except for any part of the meeting which is closed pursuant to section 90 of the *Community Charter*.
- 26.3 A Council Member, who is unable to attend a Council meeting in person due to circumstances beyond the Council Member's control, may participate in the meeting by Electronic Means.
- 26.4 No more than two Council members may participate at one time by Electronic Means at a Council meeting held pursuant to this section.
- 26.5 The Chair at the Council meeting will not participate by Electronic Means.
- 26.6 The Chair will conduct any voting by roll call at a Council meeting conducted by Electronic Means.
- 26.7 Participation by Council members by Electronic Means is not permitted at meetings closed to the public.

PART VI – CONDUCT AND DEBATE DURING MEETINGS

Decorum in Debate

- 27.1 A Council Member may speak to a motion at a Council meeting only if:
(a) that Council Member first addresses the Chair; and,
(b) the Chair recognizes that Council Member as having the floor.
- 27.2 If more than one Council Member speaks, the Chair will call on the Council Member who, in the Chair's opinion, first spoke.

- 27.3 A Council Member will address:
- (a) the Chair by that person's title of Mayor or Acting Mayor or "Your Worship", "Mr./Madam Mayor", "Mr./Madam Acting Mayor" or "Mr./Madam Chair";
 - (b) another Council Member by the title of Councillor and his last name; and,
 - (c) a staff member by his/her official title or Mr./Ms. and his/her last name.
- 27.4 A Council Member will not interrupt another Council Member who is speaking except to raise a point of order.
- 27.5 A Council Member who is called to order by the Chair:
- (a) will immediately stop speaking;
 - (b) may explain his or her position on the point of order, if requested by the Chair; and,
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- 27.6 A Council Member:
- (a) will use respectful language;
 - (b) will not speak offensive words or use offensive gestures or signs;
 - (c) will speak only in connection with the matter being debated;
 - (d) will announce whether they are speaking in support or against the motion, when called upon by the Chair;
 - (e) will speak through the Chair;
 - (f) will not introduce irrelevant matters or indulge in tedious repetition;
 - (g) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded or reconsidered; and,
 - (h) will adhere to the rules of procedure established under this Bylaw and to the decision of Chair and Council in connection with the rules and points of order.
- 27.7 If a Council Member does not adhere to section 27.6, the Chair may order the Council Member to leave the Council Member's seat and:
- (a) if the Council Member refuses to leave, the Chair may cause the Council Member to be removed by a peace officer from the Council Member's seat; or
 - (b) if the Council Member apologizes to the Council, Council may allow the Council Member to retake the Council Member's seat.
- 27.8 A Council Member may require the motion being debated at a Council meeting to be read at any time during the debate, if that request does not interrupt another Council Member who is speaking.
- 27.9 The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a Council Member may speak:
 - (i) up to 5 minutes for the first time on a matter;
 - (ii) up to 2 minutes for the second time on the matter;
 - (ii) up to 2 minutes on any amendment on the motion, unless Council has permitted an extension of the time limit for that Council Member by a motion passed by two-thirds of all Council Members present; and,

- (b) a Council Member may speak a second time in connection with the same motion but only after all other Council Members have had an opportunity to speak; and,
 - (c) a Council Member may not speak any additional times unless Council has permitted an extension for the frequency for that Council Member by a motion passed by two-thirds of all Council Members present.
- 27.10 The Chair may make a motion, second a motion or debate a motion while presiding during the meeting.
- 27.11 The Chair may put the motion to a vote in the following circumstances:
- (a) if the first two speakers have all spoken in support or in opposition to a motion, Chair has called for a speaker for the contrary position and no such speaker is forthcoming; or,
 - (b) if the Chair is of the opinion that there has been sufficient debate on the motion and the debate has been more than 20 minutes in duration.
- 27.12 A Council Member may make motion to continue debate, if either situation in section 27.11(a) or (b) occurs.
- 27.13 A Council Member will keep in confidence any information considered in any part of a closed meeting until the Council agrees to discuss the information at a meeting that is open to the public or releases the information to the public under the appropriate policy or procedure.
- 27.14 Members of the public who constitute the audience at a meeting shall not disrupt the meeting and refrain from any activity or behaviour that would affect the Council or Committee deliberations.

Appeal Ruling of the Chair

- 28.1 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 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.
- 28.2 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.
- 28.3 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 28.2. A resolution or motion carried under this Section is binding.

PART VII - BYLAWS

Form of Bylaws

- 29.1 A bylaw introduced at a Council meeting will:
- (a) be legibly typewritten;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number; and,
 - (d) be divided into sections.

Bylaws to be Considered Separately or Jointly

- 30.1 Council will consider a proposed bylaw at a Council meeting and review each reading of the proposed bylaw separately.

Reading and Adopting Bylaws

- 31.1 The Chair may give the readings of a proposed bylaw by stating the bylaw's title and the applicable reading number.
- 31.2 Council may debate or amend a proposed bylaw at any time during the first three readings unless prohibited by the *Community Charter*.
- 31.3 If Council resolves to consider a bylaw section by section, Council will consider the bylaw in this manner at the second reading of the proposed bylaw.
- 31.4 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.
- 31.5 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.
- 31.6 If Council wishes to amend a bylaw after third reading, the Council may do so as follows:
- (a) make a motion to rescind third reading; and if carried;
 - (b) make a motion to amend the bylaw; and if carried;
 - (c) make a motion to pass third reading of the bylaw as amended.

Bylaws Will Be Signed

- 32.1 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:
- (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.

Consolidation of Bylaws

- 33.1 The Corporate Officer may consolidate one or more of the City's bylaws for official use.

PART VIII – COMMITTEE OF THE WHOLE

Date, Time and Location of a COW

- 34.1 COW meetings will be held at the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, unless otherwise noted.
- 34.2 On an annual basis, the Corporate Officer will:
- (a) prepare a schedule that Council may adopt by resolution for regular COW meetings on or before December 31 of the preceding year;
 - (b) note that in the schedule prepared in 34.2(a) the Committee of the Whole shall meet bi-weekly on the opposite Mondays of Council with the exception of July and December in which only one meeting will be held and August where no meeting will be held;
 - (b) Despite subsection 34.2 (a) and (b), meetings will not be held where a Committee of the Whole meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held.
- 34.3 Special COW meetings may be held at the date, time and location specified in the notice for the Special COW meeting.
- 34.4 A COW meeting is a meeting to which all Council Members are invited to consider and make recommendations to Council, but not to decide on matters of the City's business.
- 34.5 A COW meeting will begin at 4:30 p.m. and shall observe a 9:00 p.m. curfew whereby the item on the Agenda under discussion at 9:00 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.
- 34.6 A COW meeting may continue after 9:00 p.m. by a motion passed by unanimous vote of all Council Members present.
- 34.7 A COW meeting may:
- (a) be cancelled by motion passed by COW provided that two consecutive meetings are not cancelled;
 - (b) be postponed to a different date, time or location by the Mayor, provided that the Members are given written notice at least 24 hours in advance; or,
 - (c) be postponed by a motion of COW to the date, time or location set out in the motion.

Notice of a Special COW Meeting

- 35.1. A notice of the date, time and location of a Special COW meeting will 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 Place; and,
 - (b) placing the notice in Council's electronic schedule.
- 35.2 Section 35.1 does not apply to a COW meeting that is called, during a Council meeting for which public notice has been given pursuant to this Bylaw.

Agenda for COW Meeting

- 36.1 The Corporate Officer will prepare the agenda for a COW meeting setting out all the items for consideration at that meeting.
- 36.2 The agenda for the COW meeting will be prepared as per section 8 – Agenda of this bylaw.
- 36.3 The agenda for the COW meeting will be available to the Council Members and the public at least 24 hours prior to the meeting.

Chair of the COW Meeting

- 37.1 The Acting Mayor will act as the Chair at the COW meeting.

Quorum

- 38.1 The quorum of COW is the majority of the Council Members. If no quorum is present then section 18.1 of this bylaw applies to a COW meeting.

Points of Order at COW Meetings

- 39.1 The Chair will preserve order at a COW meeting and decide points of order that may arise, subject to an appeal by Council Members present.

Conduct and Debate

- 40.1 In addition to Part VI – Conduct and Debate During Meetings the following rules apply to COW meetings:
- (a) Section 27.9 does not apply and a Member may speak any number of times on the same question; and,
 - (b) a Member will not speak longer than a total of 10 minutes on any one question.

Voting at Meetings

- 41.1 A vote at a COW meeting may be taken by any of the methods set out in Section 22.1.

PART IX – STANDING AND SELECT COMMITTEES

Duties of Standing Committees

- 42.1 This part applies, where applicable, to all Committees of the City, except for COW.
- 42.2 A Standing Committee will 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; or,
 - (c) matters that are assigned by the Mayor.
- 42.3 A Standing Committee will report and make recommendations to Council at all of the following times;
- (a) in accordance with the schedule of the Standing Committee's meetings; and,
 - (b) on matters that are assigned by Council or the Mayor,
 - (i) as required by Council or the Mayor; or,
 - (ii) as soon as possible if the Council or Mayor does not specify a time.

Duties of Select Committees

- 43.1 A Select Committee will consider, inquire into, report and make recommendations to Council about all matters referred to the Select Committee by the Council.
- 43.2 The Select Committee will report and make recommendations to Council.

Subcommittees

- 44.1 Committees may not create sub-committees without prior approval of Council.

Authority

- 45.1 A Committee of Council will not bind the City to any course of action, except if Council has expressly delegated such power to act on the Committee or has approved such action by a motion passed by majority of all Council.
- 45.2 A Committee will not conduct its meetings by Electronic Means.

Notice of Meetings

- 46.1 The Corporate Officer will establish a regular schedule of meetings of the Committee, including the dates, times and locations of the Committee meetings, and notice of the schedule will be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Place; and,
 - (b) providing a copy of the schedule to each member of the Committee.
- 46.2 If revisions are necessary to the regular schedule of meetings for a Committee, the Corporate Officer will post a notice and a revised schedule as soon as possible at the Public Notice Posting Place which indicates any revisions to the date, time and location, or cancellation of a Committee meeting.

- 46.3 The Corporate Officer will ensure a notice of the date, time and location of a meeting called under Section 46.2 to be given to all members of the Committee at least 24 hours before the time of the meeting.

Agendas for Committee Meetings

- 47.1 For items on the Committee agenda a person will submit items for inclusion on the agenda to the Staff liaison by 12:00 noon, 3 days prior to printing of the Committee Agenda.
- 47.2 If there are no items submitted for discussion by the deadline set out in section 47.1 the Corporate Officer may cancel the Committee meeting.
- 47.3 Committee agendas will be published 1 week prior to the meeting date.

Attendance at Meetings

- 48.1 Section 16.1 applies to Committees and Commissions.

Quorum

- 49.1 The quorum for a Committee is a majority of the members of the Committee.

Conduct and debate

- 50.1 The rules of the Council procedure will be observed during Committee meetings, so far as is possible and unless as otherwise provided in this bylaw.
- 50.2 Council may adopt additional procedural rules for Committees and Commissions by a motion.
- 50.3 A Council Member:
- (a) may attend meeting of a Committee of which he or she is not a member;
 - (b) may participate in the discussion; and
 - (c) will not:
 - (i) be counted as part of the quorum;
 - (ii) make motions; or,
 - (iii) vote on any motion considered by the Committee.

PART X – MINUTES OF MEETINGS

Minutes of Meetings

- 51.1 This part applies to the minutes of the meetings of any group listed in Section 3 – Applications of Rules of Procedure of this bylaw.
- 51.2 The following persons may take the minutes of a meeting:
- (a) the Corporate Officer; or,
 - (b) the Recording Secretary.

- 51.3 Minutes of the meetings will be:
- (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer;
 - (c) signed by the Chair; and,
 - (d) distributed to the group in advance of the meeting.
- 51.4 Subject to section 51.3, minutes of the open meetings will be available for public inspection at City Hall during regular office hours.
- 51.5 The Corporate Officer may make minor corrections to approved minutes including but not limited to:
- (a) typographical errors;
 - (b) sequential numbering;
 - (c) grammatical errors; or,
 - (d) completing missing information.
- 51.6 Prior to adoption of the minutes, the Corporate Officer will distribute a copy of all minutes to each Council Member and the Corporate Officer will distribute a copy of all minutes to each member of the Committee.

Recording of Motions in Minutes

- 52.1 Every motion that has been seconded shall be recorded in the Minutes.
- 52.2 Notwithstanding Section 52.1, motions that have been withdrawn by Council as per Section 54.1, shall not be recorded in the Minutes.
- 52.3 The names of the members who moved and seconded a motion shall not be recorded in the Minutes.
- 52.4 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.

Consideration of Motions

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

Withdrawal of Motions

- 54.1 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.

PART XI – PUBLIC HEARINGS

Public Hearings

- 55.1 Public Hearing meetings will be scheduled on the first Thursday of each month, excluding the month of August, and will take place at the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, and will commence at 7:00 p.m.
- 55.2 On an annual basis, the Corporate Officer will prepare a schedule that Council may adopt by resolution for Public Hearing meetings on or before December 31 of the preceding year.
- 55.3 The Chair of the public hearing will ask if there is any person who wishes to speak at the public hearing, whether or not there is a speakers' list.
- 55.4 A Council Member will:
- (a) limit his or her questions to the speaker to seek clarification or additional details;
 - (b) not engage the speaker in a debate; and,
 - (c) not comment on the merits of the issue.

PART XII – ADMINISTRATION OF THE BYLAW

Suspension of the Rules

- 56.1 Any provision of this bylaw, except those required by the *Community Charter* or the *Local Government Act*, may be temporarily suspended for a single meeting by a motion passed by a two-thirds vote of all Council Members present.

Irregularity

- 57.1 The failure of Council to observe the provisions of this bylaw and any associated policies will not affect the validity of motions passed or bylaws enacted by Council.

Supporting Policies

- 58.1 Council may adopt policies which provide additional administrative or procedural rules to support this bylaw.

Repeal

- 59.1 The following bylaw and amendments are repealed effective November 15, 2018:
- (a) "Council Procedure Bylaw, 2007, No. 7060"; and,
 - (b) "Delegation of Council Powers Bylaw 2012 No. 7148".

Effective Date

60.1 This Bylaw comes into force and effect on November 15, 2018.

PASSED FIRST READING: 2018-OCT-01
PASSED SECOND READING: 2018-OCT-01
PASSED THIRD READING: 2018-OCT-01

Notice of intention to proceed with this bylaw was published on the 27th day of September and the 4th day of October, 2018 in the Nanaimo News Bulletin newspaper circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED: 2018-OCT-15

W. B. MCKAY

MAYOR

S. GURRIE

CORPORATE OFFICER