

## DISTRICT OF UCLUELET

### BYLAW NO. 923, 2004

A bylaw to establish the procedure to be followed by Council.

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**WHEREAS** Section 124 of the *Community Charter*, requires that Council must, by bylaw, do the following:

- a) establish the procedures that are to be followed for the conduct its business, including the manner by which resolutions may be passed and by which bylaws may be adopted;
- b) establish the procedures that are to be followed in conducting meetings of
  - i. select and standing committees of Council, and
  - ii. any other committee composed solely of Council members acting in that capacity;
- c) establish the time and place of regular meetings of Council;
- d) require advance public notice respecting the time, place and date of Council and committee meetings and establish procedure for giving that notice.

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

#### **Title**

This bylaw may be cited for all purposes as the "**Council Procedure Bylaw No. 923, 2004**".

#### **Definitions**

"District" means the District of Ucluelet

"Commission" means a municipal commission established under Section 143 of the *Community Charter*.

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

"Corporate Officer" means the Director of Corporate Administration for the District of Ucluelet

"Council" means the Council of the District of Ucluelet

"Mayor" means the Mayor for the District of Ucluelet

"Municipal Hall" means the District of Ucluelet local government administration office

"Public Notice Posting Place" means the notice board at the municipal hall

#### **Rules of Procedure**

The following are the rules of procedure of Council:

# **RULES OF PROCEDURE**

## **Part I – MEETINGS**

### **1. Regular Meetings**

Council's regular meetings are held in the Council Chamber at 200 Main Street, Ucluelet, British Columbia, at 7:30 p.m. on the second and fourth Tuesday in each month, except that regular meetings will not be scheduled:

- a) on the fourth Tuesday of December;
- b) on any statutory holiday;
- c) within seven days of the statutory (or inaugural) meeting of Council following a general local election; and
- d) during the annual convention of the Union of British Columbia Municipalities.

### **2. Inaugural Meeting**

- a) Following a general local election, the first Council meeting must be held on the first Monday in December in the year of the election.
- b) 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 a), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

### **3. Special Meetings**

A special meeting of Council (being a Council meeting other than a statutory, regular, or adjourned meeting), to be held at a place and at a time to be specified, may be called by:

- a) Council resolution; or
- b) the Mayor, at his or her volition or as requested, in writing, by two or more members of Council; or
- c) two or more members of Council if
  - i) within 24 hours after receiving a request under b), the Mayor refuses or neglects to arrange for the special Council meeting to be held within 7 days after receiving the request; or
  - ii) the Mayor or Council member designated to act in the place of the mayor, is absent.

### **4. Cancellations and Postponements**

Regular and special meetings of Council and meetings of the Committee of the Whole, select and standing committees, and other Council appointed bodies may be cancelled or postponed for the following reasons:

- a) a quorum is not present within 15 minutes after the time appointed for the meeting, in which case the names of the members then present shall be entered in the minute book; or

- b) the Corporate Officer has been notified by a majority of members no later than 24 hours prior to the meeting that they will not be present for the meeting, in which case the Corporate Officer shall notify all members that the meeting is cancelled and post written notice of cancellation at the Public Notice Posting Place and at the place of the meeting; or
- c) by resolution, passed at a previous meeting, that:
  - i) the meeting has been cancelled; or
  - ii) the meeting, including a regular meeting of Council, will be held at a place and at a time specified in the resolution.
- d) The Corporate Officer shall post, at the place of meeting and at the Public Notice Posting Place, notice of any cancellation, postponement, or relocation of any meetings at least 24 hours prior to the meeting.

## **5. Committee of the Whole**

- a) Council may meet as a Committee of the Whole on an as needed basis, in the same manner as prescribed in section 3 of these rules of procedure, or as regularly scheduled by resolution of Council.
- b) Where meetings of the Committee of the Whole are regularly scheduled, a regularly scheduled meeting may be cancelled by the Mayor for any reason or by the Corporate Officer for lack of agenda items.
- c) Sections 9 [public access to meetings], 51 [notice of committee meetings], and 54 [minutes of committee meetings], of these rules of procedure apply to meetings of the Committee of the Whole.

## **6. Designation of Member to Act in Place of Mayor**

- a) Annually, at the first regularly scheduled meeting in January, Council must, from amongst its members, designate a Councillor 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.
- b) Each Councillor designated under Section 6(a) must fulfil the responsibilities of the Mayor in his or her absence.
- c) If both the Mayor and the member designated under Section 6(a) are absent for the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- d) The member designated under Section 6(a) or chosen under Section 6(c) has the same powers and duties as the Mayor in relation to the applicable matter.

## **7. Notice of Meetings**

- a) In accordance with Section 127 of the *Community Charter*, Council must prepare annually on or before January 15<sup>th</sup>, 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.
- b) In accordance with Section 127 of the *Community Charter*, Council must give notice annually on or before January 30<sup>th</sup> of the availability of the schedule of regular council meetings in accordance with Section 94 of the *Community Charter*.

- c) At least 72 hours before a regular meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the Public Notice Posting Place.
- d) At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:
  - i) leaving copies of the agenda at the reception counter at the District office for the purpose of making them available to members of the public
  - ii) At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

## **8. Notice of Special Meetings**

- a) A notice of the day, hour and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
  - i) posting a copy of the notice at the Public Notice Posting Place;
  - ii) posting a copy of the notice at the regular Council meeting place, and
  - iii) leaving one copy for each Council member at the place to which the member has directed notices to be sent.
- b) The notice must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.
- c) Notice of special Council meeting may be waived by unanimous vote of all Council members.

## **9. Public Access to Meetings**

- a. Council meetings must be open to the public.
- b. A part of a Council meeting may be closed to the public if the subject matter being considered relates to one or more of the items listed in Section 90 of the *Community Charter*.
- c. Before a meeting or part of a meeting is closed to the public, the Council must state, by resolution,
  - i) the fact that the meeting is to be closed, and
  - ii) the basis under Section 90 of the *Community Charter* on which the meeting is to be closed.

## **10. Minutes of Meetings**

Minutes of Council meetings must be:

- a) legibly recorded,
- b) certified as correct by the designated municipal officer,
- c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which they are adopted, and
- d) open for public inspection at the municipal hall during its regular office hours (excepting minutes of that part of a Council meeting closed pursuant to Section 90 of the *Community Charter*)

*Charter* and not released pursuant to the *Freedom of Information and Protection of Privacy Act* or as so resolved by Council).

#### **11. Minutes of Closed Meetings**

Where items dealt with in a closed meeting may be released pursuant to the *Freedom of Information and Protection of Privacy Act* or as so resolved by Council, the minutes for those items shall be received for information without debate at a subsequent Council meeting.

#### **12. Agenda Item from Members of Council**

An item from a member of Council for an agenda may be submitted in writing to the Corporate Officer in the form of a report containing relevant explanatory information and background and will be placed on an agenda, in accordance with the agenda schedule deadlines.

#### **13. Correspondence Addressed to Mayor and/or Council**

Correspondence addressed to Mayor and/or Council and requiring or requesting Council action shall be placed on the agenda.

#### **14. Precedence**

All items on an agenda are taken up in the order in which they appear on the agenda except that, when necessary for the better conduct of business, an item may be withdrawn from the agenda at the beginning of the meeting, or taken out of its order, by the presiding member or by resolution.

#### **15. Adoption of Minutes**

The minutes of a previous meeting may be corrected, but not debated or reflected upon, at the time they are considered for adoption.

#### **16. End of Meeting**

When the agenda has been completed, the presiding member shall declare the meeting adjourned.

#### **17. Meeting Closure**

Meetings shall be closed at 10:00 p.m. unless a resolution is passed to continue the meeting.

#### **18. Loss of Quorum**

If any meeting is concluded for want of a quorum, the time of conclusion and the names of the members present shall be entered in the minute book.

### **Part II – PROCEDURE AT REGULAR MEETINGS**

#### **19. Order of Business at Regular Meetings**

The usual order of business at a regular Council meeting is as set out in the agenda for that meeting under the following headings, as appropriate:

- a) CALL TO ORDER
- b) MINUTES – adoption of the minutes as read or circulated and, if necessary, corrected

- c) UNFINISHED BUSINESS – unfinished business or tabled items
- d) PUBLIC INPUT, DELEGATIONS & PETITIONS – forum for public input, including receipt of petitions and guest speakers
- e) CORRESPONDENCE – correspondence received requesting Council action or consideration
- f) INFORMATION ITEMS – information that may be of public interest, and receipt of *in camera* items approved for public release
- g) COMMITTEES – correspondence or minutes from committees of Council received for information
- h) REPORTS – reports from mayor, councillors, officers and department heads; reports from public hearings, boards of variance, courts of revision, commissions, boards, committees, and delegations; any reports or presentations requested by Council requiring action
- i) LEGISLATION – introduction, subsequent readings, and adoption of bylaws; resolutions concerning District policies and procedures
- j) LATE ITEMS – issues, reports, correspondence requiring immediate action that were not included in the agenda before delivery to Council
- k) OTHER BUSINESS – additional matters and new items brought forth by Council members
- l) QUESTION PERIOD – questions from the public
- m) ADJOURNMENT

## **20. Public Input, Delegations and Petitions**

- a) Ten minutes will be made available for public input on any matter within the competence of Council. Procedure will be as follows:
  - ii) Persons wishing to speak must so indicate by placing their name and address on a speaker's list at the beginning of the meeting. The list shall determine the order of speakers.
  - iii) When recognized by the presiding member, persons from the audience will be allowed up to two (2) minutes to address Council.
  - iv) If at the end of the ten-minute public input period there remains any speakers on the list, Council may, by unanimous resolution, agree to extend the length of the public input period. Speakers remaining on the list at the conclusion of the public input period will be permitted to address Council at the commencement of Question Period prior to the conclusion of the regular meeting of Council.
- b) Delegations (may also appear at meetings pursuant to Part VII of these rules of procedure):
  - i) Persons or groups wishing to address Council for longer than two minutes or who have been invited by Council may be received as a delegation by prior arrangement through the Corporate Officer or at the meeting by resolution of Council.
  - ii) Prospective delegations must provide to the Corporate Officer information concerning the subject matter, and the name(s) and address(es) of the spokesperson(s).
  - iii) Delegations shall limit their presentation to ten (10) minutes, except by prior arrangement or by resolution of Council. At the Mayor's discretion, members of Council may query or converse with delegations, notwithstanding the specified time limit.

- c) Petitions (including counter petitions) shall include the name and address of each petitioner and a clear statement of the matter petitioned and may be received pursuant to a) public input, b) delegations, by prior receipt by the Corporate Officer for inclusion on the agenda, or from a member of Council. Notwithstanding d)i) below, petitions shall not be considered by Council in its deliberations until the Corporate Officer has an opportunity to verify that these requirements are satisfied.
- d) Council shall not act on a request or consider submissions made at a) public input, b) delegations, or c) petitions, until at least the next regular meeting, unless:
  - i) consent by unanimous resolution is given to consider the matter; or
  - ii) the matter is elsewhere included on the agenda.
- e) Notwithstanding a) public input, b) delegations, or c) petitions, persons or delegations may not speak, nor petitions be received, concerning a bylaw from a closed public hearing.

## **21. Public Input, Delegations, and Petitions Suspended**

From the close of nominations preceding a general local election or by-election, Public Input, Delegations, and Petitions shall be suspended until the meeting of Council following the election, except where Council, by resolution, permits a person or delegation to address Council.

## **22. Bylaws**

The following rules apply to bylaws:

- a) No bylaw may be read either in a blank or in an imperfect form.
- b) Before adoption, a bylaw requires the following readings:
  - i) first reading, which is by title only;
  - ii) second reading, which is by title only unless the Council resolves to read in whole;
  - iii) third reading, which is by title only.
- c) All readings of a bylaw may be given at one meeting of the Council except as provided in d). All readings and adoption require separate motions.
- d) A bylaw requiring a public hearing is referred to a public hearing immediately after second reading.
- e) There must be at least one day between third reading and adoption of the bylaw and if the bylaw requires approval of the Lieutenant Governor in Council, a minister or the Inspector of Municipalities, or approval of the electors through a counter petition opportunity or assent of the electors, the approval must be obtained after the bylaw has been given third reading and before it is adopted, and in some cases both approvals are required and in specific order.
- f) Notwithstanding c) and following a public hearing, Council may adopt an official community plan or zoning bylaw at the same meeting at which third reading was passed.
- g) A bylaw may be amended at second or third reading, but there are limitations to amendments of the official community plan or zoning bylaw following a public hearing.
- h) If a bylaw fails to receive a mover and seconder at any reading or at adoption and no outstanding matter applies to it, the bylaw is deemed to have been abandoned.

- i) Bylaws must be considered at meetings open to the public.
- j) Section 131 of the *Community Charter* provides that the Mayor may return a bylaw within one month of adoption for reconsideration by Council under certain conditions.

### **23. Question Period**

- a) Members of the public will be given an opportunity immediately prior to adjournment of a regular Council meeting to question Council on all matters within the competence of Council.
- b) Persons wishing to ask questions must state their name before commencing their question. A person asking a question may ask a supplementary question but must, following the response to the supplementary question, yield to allow other persons opportunity to ask questions. Except as provided in section 20 a) iii of these rules of procedure, no speeches are permitted in question period.
- c) Council will allow up to ten minutes for questions, which time limit may be extended by unanimous resolution.

## **Part III – RULES OF CONDUCT AND DEBATE**

### **24. Recognition and Speaking Order**

Members desiring to speak shall be recognized by the presiding member in the order in which the members indicate their request, preference being given to the mover and to the seconder should either or both wish to speak.

### **25. Conduct of Speaker**

A member wishing to speak for the purpose of

- a) making a motion or entering the debate may speak after being recognized by the presiding member but only
  - i) to make a motion, and
  - iv) directly and concisely on the matter under debate.
- b) requesting the presiding member to consider and decide on any of the following matters may do so without recognition and, if necessary, by interrupting a member who is speaking:
  - i) a violation of a specific rule or a particular mistake, omission, or error in procedure (point of order), or
  - ii) a matter of the comfort, convenience or privilege of the Council or of the member (question of privilege),

but a member must cease speaking when called to order and while the point of order is being stated, after which the member may explain.

### **26. Matters Open to Debate**

Members may debate a motion:

- a) to deal with a report;
- b) to give a bylaw second reading, third reading, or all three readings at once, or to amend

- the bylaw, or to adopt a bylaw;
- c) to issue a permit;
  - d) to refer a report for inquiry, comment, further study, or recommendation;
  - e) to amend a motion that is debatable;
  - f) to postpone to a certain day; or
  - g) to deal with routine proceedings including the appointment and conduct of officers of the Council and the correctness of the records of the Council is debatable, after it has been seconded, and all other business is decided without debate or amendment, or as otherwise provided in these rules of procedure.

## **27. Closing Debate**

Debate is closed by the presiding member when in the presiding member's opinion there has been adequate debate.

## **28. Presiding Member**

- a) The presiding member must preserve order and decide points of order that may arise, subject to an appeal to the other members present, which process of appeal is provided at Section 132 of the *Community Charter*.
- b) When the presiding member desires to speak any member desiring to speak at the same time shall cede to the presiding member.

## **29. Title of Members and Other Participants**

Members and other participants are addressed, as appropriate, in the following manner:

- a) the Mayor as Your Worship, or as Mr. Mayor or Madam Mayor, and referred to as His Worship or Her Worship or the Mayor;
- b) a presiding member who is not the Mayor as Mr. Chair or Madam Chair;
- c) a Councillor as Councillor (here use the surname);
- d) other participants as Mr. or Ms. (here use the surname) or such other title as may be appropriate in the circumstances.

## **30. General Conduct**

Members shall not interrupt a member who is speaking except to raise a point of order or point of privilege, and shall not make any noise or disturbance during the meeting.

## **31. Procedural Questions**

- a) Procedural questions not resolved by the process of appeal may be determined by the Robert's Rules of Order, Newly Revised, 1990 Edition or newer edition as may be readily available.
- b) The presiding member may declare or the members may resolve to call a brief (up to 30 minutes) recess in order to review these rules of procedure, the *Community Charter* and/or Robert's Rules of Order.

## Part IV – MOTIONS AND AMENDMENTS

### 32. Division of Motion

When the motion under consideration contains distinct propositions, and a member of Council so requests, the vote shall be taken upon each proposition separately.

### 33. Reading of Motions

A member may require the motion under consideration to be read.

### 34. Motions Permitted While Matter Under Debate

When a matter is under debate, no motion is in order unless to withdraw, if made by the original mover, to amend, to refer to a committee or staff for report, or to defer to a certain day; and the several motions have precedence in the order named.

### 35. Inadmissible Motion

Whenever the presiding member is of the opinion that a motion offered to the body is contrary to the rules of procedure, or relates to matters outside the competence of the body, he or she informs the body immediately, giving reasons for his or her opinion, and refuses to accept the motion.

### 36. Amendment to an Amendment

Only one amendment, at any one time, may be made to an amendment.

### 37. Substitute Motions

When an amendment is offered as a substitute for the original motion and the amendment is carried, the original resolution is not put forward as a motion or as an amendment.

### 38. Adjournment

A motion to adjourn is always in order, but no second motion to the same effect may be made without first dealing with another matter.

## Part V – VOTING

### 39. Exercise of Powers by Bylaw or Resolution

The powers of Council may be exercised by resolution or bylaw authorized or adopted at a Council meeting, except where an enactment provides that a power may only be exercised by bylaw.

### 40. General Rule: Majority Rules

Unless otherwise required, all acts to be done, and all other questions, including adjournment, that may come before a body must be done and decided by a majority of the members present at a meeting.

### 41. Requirement for 2/3 Majority

A requirement for an affirmative vote of at least 2/3 of all members of Council means an affirmative vote of at least 2/3 of the number of members of which the Council consists.

#### **42. Voting on a Motion**

- a) When debate on a motion is complete, the presiding member shall immediately put the motion to a vote.
- b) A member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- c) If the votes of the members present at the meeting at the time of the vote are equal for and against a question, the question is negated and the presiding member must declare this result.
- d) A member who has a direct or indirect pecuniary interest in a matter or who considers for any other reason that he or she is not entitled to participate in the discussion of a matter or vote on a question in respect of a matter must not participate in the discussion of the matter, vote on a question in respect of the matter, or attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter. Section 100 of the *Community Charter* provides for exceptions to this rule and directions with respect to the contravention of this rule.

#### **43. Reconsideration of a Motion**

- a) Reconsideration of a defeated matter may not be taken at the same meeting at which the question was decided unless the members so resolve.
- b) The *Community Charter* provides that the Mayor may return a resolution within one month for reconsideration by Council under certain conditions.

#### **44. Recording of Votes**

The Corporate Officer shall record negative votes in the minute book.

### **Part VI – PUBLIC HEARINGS**

#### **45. Reports**

A motion to request a report from staff on a matter raised in a public hearing is in order at the public hearing and may be amended.

#### **46. Referral**

When the public has been heard, the bylaw shall be referred without debate from the public hearing to a Council meeting where the bylaw may be given third reading and adoption.

#### **47. Closing Public Hearing**

When the presiding member considers that a reasonable opportunity has been provided for all who wished to make submissions and be heard, the presiding member terminates the public hearing.

## Part VII – SELECT AND STANDING COMMITTEES OF COUNCIL

### 48. Select or Standing Committees of Council

Council may create select committees and the Mayor may appoint standing committees as set out in the *Community Charter*.

### 49. Commissions

Where Council has established a Commission, which is permitted under the *Community Charter*, requirements under Part I concerning notice of meetings, attendance of public at meetings, and minutes of meetings shall apply to the Commission.

### 50. Applies to Other Bodies

Sections 9 [public access to meetings], 51 [notice of committee meetings], and 54 [minutes of committee meetings], of these rules of procedure apply to meetings of the following bodies, including, without limitation:

- a) a select or standing committee of Council;
- b) the board of variance;
- c) the court of revision;
- d) an advisory committee, commission, or other body established by Council.

### 51. Notice of Committee Meetings

- a) At least 72 hours before a regular meeting of a committee, the Committee Chair must give public notice of the time place and date of the meeting by way of a notice posted on the Public Notice Posting Place.
- b) At least 24 hours before a regular meeting of a committee, the Committee Chair must give further public notice of the meeting by:
  - i) leaving copies of the agenda at the reception counter at the District office for the purpose of making them available to members of the public.
- c) At least 24 hours before a regular meeting of a committee, Committee Chair must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.
- d) At least 24 hours before a special meeting of a committee, Committee Chair must give advance public notice of the time, place and date of the meeting by way of a notice posted on the Public Notice Posting Place.

### 52. Confidential Matters

Matters deemed to be of a confidential nature may be considered in a meeting closed to the public pursuant to Section 90 of the *Community Charter*. Before a meeting or part of a meeting is closed to the public, a resolution must be adopted that the meeting is to be closed and the basis on which the meeting is closed.

### 53. Chair Shall Preside

The Chair shall preside at meetings and ensure that the rules of conduct and debate as set out in this bylaw are followed.

#### **54. Minutes of Committee Meetings**

- a) Minutes of Council meetings must be:
  - i) legibly recorded,
  - ii) signed by the chair or member presiding at the meeting, and
  - iii) open for public inspection at the municipal hall during its regular office hours (unless exempted from disclosure pursuant to the *Freedom of Information and Protection of Privacy Act*).
- b) The minutes of a previous meeting may be corrected, but not debated or reflected upon, at the time they are considered for adoption.

### **Part VIII – CORPORATE SEAL**

#### **55. Non-Corporate Use of the Corporate Seal**

In addition to the provisions of the *Local Government Act and the Community Charter*, the Corporate Officer may cause the corporate seal to be affixed to any certificate, proclamation or other document that

- a) is issued by or on behalf of the Corporation, the Mayor, or Council, and
- b) does not in any way evidence or create a legal relationship or obligation on the Corporation's part to perform.

### **PART IX - GENERAL**

#### **54. Repeal**

"Council Procedure Bylaw No. 862, 2001" and all amendments thereto are hereby repealed.

#### **55. Severability**

If any section, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

#### **56. Alteration**

A Procedure bylaw must not be amended, or repealed and substituted, unless the council first gives notice in accordance with Section 94 of the Community Charter, describing the proposed changes in general terms.

**NOTICE GIVEN in The Westerly News on the 28<sup>th</sup> day of January and the 4<sup>th</sup> day of February, 2004.**

**READ A FIRST TIME this 10<sup>th</sup> day of February, 2004.**

**READ A SECOND TIME this 10<sup>th</sup> day of February, 2004.**

**READ A THIRD TIME this 10<sup>th</sup> day of February, 2004.**

**ADOPTED this 24<sup>th</sup> day of February, 2004.**

**CERTIFIED A TRUE AND CORRECT COPY** of the "Council Procedure Bylaw No. 923, 2004".

---

Gale Shier  
Municipal Clerk

**THE CORPORATE SEAL** of the  
District of Ucluelet was hereto affixed  
in the presence of:

---

Dianne St. Jacques  
Mayor

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Gale Shier  
Municipal Clerk