

# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2585

Being a Bylaw to establish regulations and proceedings of Municipal Council

**WHEREAS** in compliance with the *Community Charter*, Council must establish regulations and procedures of Council to be followed for the conduct of its business; and

**NOW THEREFORE**, the Municipal Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

### CITATION

1. This Bylaw may be cited for all purposes as the "*Council Procedure Bylaw, 2004, No. 2585*".

### DEFINITIONS

2. In this Bylaw, unless the context requires otherwise:

**"Amendment"** means an alteration of a main Motion by substituting, adding or deleting a word or words without materially altering the basic intent of the main Motion.

**"Chairperson"** means the person for the time being who is authorized to control the proceedings and procedure at any meeting of Council or any Committee of Council and includes the Mayor or Acting Mayor as the case may be, when such person is in attendance at a meeting.

**"Committee"** means a Commission, Standing, Select, or other Committee of Council, but does not include COTW.

**"COTW"** means the Committee of the Whole Council.

**"Corporate Officer"** means the Corporate Administrator for the municipality and includes his or her lawful deputy.

**"Council"** means the Council of the Corporation of the Township of Esquimalt.

**"Mayor"** means the Mayor of the Corporation of the Township of Esquimalt, the person appointed by Council as Acting Mayor, or a Member of Council who is the presiding officer at the meeting of Council.

**"Member"** means a Member of the Council of the Corporation of the Township of Esquimalt.

**"Motion"** means a formal proposal placed before a meeting or deliberative assembly in order that it may be debated to a conclusion.

**"Public Notice Posting Place"** means the Notice Board at the Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.

**"Select Committee"** means a committee established and appointed to consider or inquire into any matter and to report its finding and opinion to the Council, at least one member of which must be a Council Member.

**"Special Council Meeting"** means a Council meeting other than a statutory meeting, a regular meeting, or an adjourned statutory or regular meeting.

**"Standing Committee"** means a committee established and appointed for matters the Mayor considers would be better dealt with by committee, of which half the members must be Council Members.

#### **APPLICATION OF RULES OF PROCEDURE**

3. The provisions of this Bylaw govern the proceedings of Council, COTW, Commissions and all Committees of Council, as applicable.
4. In cases not provided for under this Bylaw, *The New Robert's Rules of Order*, 2<sup>nd</sup> Edition, 1998 apply to the proceedings of Council, COTW, Commissions and Council Committees to the extent that those *Rules* are:
  - (1) applicable in the circumstances; and
  - (2) not inconsistent with provisions of this Bylaw or the *Community Charter*.

#### **ACTING MAYOR**

5. At the first regular meeting held in December of each year, Council must in respect of the ensuing calendar year appoint:
  - (1) one of its Members to be Acting Mayor, who during the absence of the Mayor shall have all powers of and is subject to the same rules as the Mayor, or
  - (2) Members to serve as Acting Mayor on a two-month rotation.
6. Where the office of Mayor becomes vacant, Council shall appoint a member of Council to be Acting Mayor, and that person shall continue in office until such time as another Mayor is elected.

#### **MEETINGS OF COUNCIL**

7. The first regular Council meeting following a general local election must be held on the first Monday after December 1<sup>st</sup> in the year of the election.

8. Regular Council meetings must:
  - (1) be held on the first and third Monday of each month;
  - (2) begin at 7:00 p.m., unless a Public Hearing or Committee of the Whole meeting has been scheduled to be held at the time normally scheduled for a regular meeting in which case the regular meeting will be held immediately following the Public Hearing or Committee of the Whole;
  - (3) 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 56; and
  - (4) when a regular meeting date falls on a statutory holiday, unless otherwise directed by resolution of Council to be rescheduled to an alternate day and time, the meeting shall take place on the next working day immediately following the statutory holiday.

### **ELECTRONIC MEETINGS**

9. Members of Council may participate electronically in Council meetings, in accordance with Section 128 of the *Community Charter*, if the Member is unable to attend because of illness or injury or is with leave of the Council, and provided that the Corporate Officer is able to secure the electronic equipment to facilitate the meeting.
10. The Member presiding the meeting must not participate electronically.
11. No more than one Member of Council or a Council Committee at one time may participate at a meeting by means of electronic or other communication facilities.

### **NOTICE OF REGULAR COUNCIL MEETINGS**

12. At least once a year, the Corporate Officer shall give notice of the availability of the schedule of regular meetings of Council in accordance with Section 94 of the *Community Charter*.
13. All Council meetings must take place within the Council Chambers, Municipal Hall unless Council resolves to hold the meeting in another place in which case the Corporate Officer will give notice of the different meeting place by posting a notice of the change at the Public Notice Posting Place at least 24 hours prior to the time of the regular meeting of Council.
14. 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 signed notice posted at the Public Notice Posting Place.
15. At least 24 hours before a regular meeting of Council the Corporate Officer must give further public notice of the meeting by:
  - (1) posting a copy of the Agenda at the Public Notice Posting Place;

- (2) leaving copies of the Agenda at the reception counter at the Administration Department, Municipal Hall for the purpose of making them available to the public.

### **CALLING OF SPECIAL COUNCIL MEETINGS**

16. Special Council Meetings may be called by Council, at a meeting of Council, or at any time by the Mayor, or upon request in writing by two or more Members, in accordance with Section 126 of the *Community Charter*.
17. Except where notice of a Special Meeting is waived by a unanimous resolution of all Council Members under Section 127(4) of the *Community Charter*, at least 24 hours before a Special Council Meeting, the Corporate Officer must:
  - (1) give advance public notice of the time, place and date of the meeting by way of a signed notice posted at the Public Notice Posting Place; and
  - (2) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

### **ANNUAL MEETING**

18. In accordance with the provisions of Sections 98 and 99 of the *Community Charter*, each year, after the annual municipal report has been prepared, Council must consider the report at a public meeting. The meeting may be part of a regular Council meeting, or a Special Council Meeting.
19. The Corporate Officer must give notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

### **CLOSED MEETINGS OF COUNCIL**

20. Except where the provisions of Section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
21. 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*.
22. Sections 20 to 25 of this Bylaw apply to all meetings of the bodies referred to in Section 93 of the *Community Charter*.
23. In the event that the Corporate Officer is excused from the closed portion of a meeting, the Mayor or designate must record the minutes of the meeting.
24. The content of a closed portion of the meeting must not be released or announced publicly by Council or any individual Member unless specifically authorized by Council. Authorization to release information shall be made by motion to Rise and Report.

25. Unless otherwise specified by Council, the release of the contents of a closed portion of a meeting means Motions introduced or resolutions made in the closed portion of the meeting.

## MINUTES

26. Minutes of the proceedings of Council must be:
  - (1) legibly recorded;
  - (2) certified as correct by the Corporate Officer,
  - (3) adopted by Council; and
  - (4) signed by the Mayor or other Member presiding at the meeting following the meeting at which the minutes are adopted.
27. With the exception of minutes of a closed meeting from which persons were excluded in accordance with Section 90 of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at the Municipal Hall during its regular office hours.
28. With the exception of closed meetings, the minutes of the proceedings of the Committees and Commissions of Council must be open for public inspection.

## QUORUM

29. Subject to Section 129 of the *Community Charter* the quorum of Council shall be four Members.
30. A quorum for all Committees shall be, unless otherwise specified by Council or bylaw, a majority of current members of the Committee.
31. If a quorum is not present within 15 minutes after the time fixed for the meeting the Corporate Officer, or the recording secretary, as appropriate, shall record the names of those Members present and the meeting shall stand adjourned until the next regular meeting or the next meeting called by the Mayor or Committee Chair.

## AGENDAS

32. By noon on Friday prior to each Council meeting, the Corporate Officer must have prepared an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda, and shall make the agenda available to the Members of Council and the public.

33. The deadline for submissions by the public to the Corporate Officer of items for discussion on the Council meeting agenda must be 12 Noon on the Wednesday prior to the meeting.
34. Business at a regular Council meeting must be taken up in the following order unless otherwise approved by resolution of Council:
  - (1) Introduction of late items;
  - (2) Adoption of minutes;
  - (3) Public input on matters listed on agenda;
  - (4) Public hearings and related bylaws;
  - (5) Public input opportunities and related reports;
  - (6) Delegations and petitions;
  - (7) Unfinished Business;
  - (8) Staff reports;
  - (9) Mayor's and Councillors' reports;
  - (10) Reports from Committees;
  - (11) Communications;
  - (12) Bylaws;
  - (13) Notices of motion;
  - (14) Public question and comment period; and
  - (15) Adjournment.

#### **LATE ITEMS**

35. Only items that pertain to an existing item on the agenda or items that are necessary to be considered because of a time deadline can be considered for inclusion as a late item.
36. An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by resolution of Council at the time allocated on the agenda for such matters.
37. If the Council consents to introducing a late item pursuant to Section 36, information pertaining to late items must be distributed to the Members and the public.

#### **PUBLIC INPUT ON MATTERS LISTED ON THE AGENDA**

38. The public will be provided a maximum time of 10 minutes to ask questions or make comments on any item listed on the Council agenda. Each individual address will be limited to two minutes unless a longer period is approved by resolution of those Members present.
39. A person must not address the Council regarding a bylaw for which a public hearing has been held, where the public hearing is required under an enactment or a prerequisite to the adoption of the bylaw.

#### **PUBLIC INPUT OPPORTUNITIES**

40. Input on Development Variance Permits will be heard in accordance with the provisions of the *Local Government Act* and *Development Approval Procedures Bylaw, 2003, No. 2562*.

**DELEGATIONS AND PETITIONS**

41. The Council may allow an individual or a delegation to address Council at the meeting provided written application on a prescribed form has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by resolution of those Members present.
42. Where written application has not been received by the Corporate Officer as prescribed, an individual or delegation may address the meeting if approved by resolution of the Members present.
43. Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
44. The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council, and elect to refer the matter to the relevant Commission, Committee or Department Head as deemed appropriate according to the subject matter of the delegation.
45. If the Corporate Officer declines to approve the attendance of a delegation to any meeting of Council, Council may, by resolution, upon written request, permit such delegation to appear before it and be heard.
46. Individuals or organizations are not permitted more than one delegation every three months on the same issue unless prior consent has been obtained by a resolution of Council.
47. Every petition presented to Council shall include the name and address of each petitioner. In the case of a corporation the authority given by the corporation to sign the petition shall be produced in connection therewith.

**REPORTS FROM COMMITTEES**

48. Council may take any of the following actions in connection with a resolution it receives from COTW, Commission or Committee:
  - (1) agree or disagree with the resolution;
  - (2) amend the resolution;
  - (3) refer the resolution back to COTW, Commission or Committee;
  - (4) postpone its consideration of the resolution;
  - (5) refer the matter to staff; or
  - (6) receive.

**BYLAWS**

49. A proposed bylaw may be introduced at a Council meeting only if:
- (1) it is listed on the agenda for the meeting, or properly introduced as a late item; and
  - (2) a copy of it has been made available to the Members prior to its introduction.
50. A Bylaw introduced at a Council meeting must:
- (1) be printed;
  - (2) have a distinguishing name and number;
  - (3) contain an introductory statement of purpose; and
  - (4) be divided into sections.
51. Council may consider a proposed bylaw at a Council meeting either:
- (1) separately when directed by the presiding Member or requested by another Member, or
  - (2) jointly with other proposed bylaws in the sequence determined by the presiding Member.
52. Bylaws shall be passed in accordance with Section 135 of the *Community Charter*, and *Local Government Act*, as may be applicable.
53. 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 Township's records for safekeeping and endorse upon it:
- (1) the Township's corporate seal;
  - (2) the dates of its readings and adoption; and
  - (3) the date of ministerial approval or approval of the electorate if applicable.

**NOTICE OF MOTION**

54. Any Member may give "Notice of Motion" respecting an item which he or she intends to present by providing a written copy of such Motion to the Corporate Officer at least 24 hours before a meeting.

55. A Motion presented under Section 54 shall appear in the minutes of that meeting as a "Notice of Motion" and shall be placed on the agenda of the next meeting of Council or COTW or as identified by the Member introducing the motion.

## **ADJOURNMENT**

56. A Council may continue a Council meeting after 11:00 p.m. only by an approved resolution of two-thirds of the Members present.

## **CONDUCT AND DEBATE**

57. A Member may speak to a question or Motion at a Council meeting only if that Member first addresses the presiding Member.
58. No Member must interrupt a Member who is speaking except to raise a point of order.
59. Members speaking at a Council meeting:
- (1) must use respectful language;
  - (2) must not use offensive gestures or signs;
  - (3) must speak only in connection with the matter being debated;
  - (4) may speak about a vote of Council only for the purpose of making a Motion that the vote be rescinded; and
  - (5) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding Member and Council in connection with the rules and points of order.
60. If a Member does not adhere to Section 59, the presiding Member may order the Member to leave the Member's seat, and
- (1) If the Member refuses to leave, the presiding Member may cause the Member to be removed by a peace officer from the Member's seat, and
  - (2) If the Member apologizes to the Council, Council may, by resolution, allow the Member to retake the Member's seat.
61. If a presiding Member does not adhere to Section 59, the majority of the Members present may cause the presiding Member to take leave of the Chair. In this event, the Acting Mayor, Chairperson, or alternate designated Member, as applicable, will assume the Chair for the duration. The provisions of Section 60 apply.

**EXPULSION FROM MEETINGS**

62. If the presiding Member at a Council meeting considers that another person at the meeting is acting improperly, the presiding Member may order that the person be expelled from the meeting.
63. If the person who is expelled does not leave the meeting, a peace officer may enforce the order under Section 60 as if it were a court order.

**MOTIONS GENERALLY**

64. A Motion shall be seconded before it is considered or debated by Members. A Motion will be lost for lack of a seconder.
65. A Motion that deals with a matter that is not on the agenda may be introduced with Council's permission.
66. When a Motion is under consideration, no other Motion shall be received except for the following:
  - (1) to refer to committee;
  - (2) to amend;
  - (3) to lay on the table;
  - (4) to postpone indefinitely;
  - (5) to postpone to a certain time;
  - (6) to move the previous question; or
  - (7) to adjourn.
67. A Motion made under Section 66 (3) to (7) is not amendable or debatable.
68. Amendments shall be decided before the main question is put to a vote.
69. Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council Member.

**VOTING AT MEETINGS**

70. The following procedures apply to voting at Council meetings:
  - (1) when debate on a matter is closed the presiding Member must put the matter to a vote of Council Members;
  - (2) the presiding Member's decision about whether a question has been finally put is conclusive; and
  - (3) the presiding Member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

## RECONSIDERATION

71. (1) The Mayor may initiate reconsideration of a matter in accordance with Section 131 of the *Community Charter*.
- (2) Council may only reconsider a matter that has not:
- (a) had the approval or assent of the electors and been adopted;
  - (b) been reconsidered under subsection (3) or section 131 of the *Community Charter*;
  - (c) been acted on by an officer, employee, or agent of the municipality.
- (3) Subject to subsection (2), a Council member may, at the next Council meeting, move to reconsider:
- (a) a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) an adopted bylaw after an interval of at least 24 hours following its adoption.
- (4) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (5) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) of section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.
- (6) A vote to reconsider must not be reconsidered.

## NO VOTES ON BYLAWS IN A CLOSED MEETING

72. In accordance with Section 89 of the *Community Charter*, the Council must not vote on the reading or adoption of a bylaw when the meeting is closed to the public.

## COMMITTEE OF THE WHOLE

### PURPOSE OF COMMITTEE OF THE WHOLE

73. The purpose of the COTW is to allow Council to meet in a less formal and structured manner to:
- (1) discuss issues of long term planning and policy development;
  - (2) discuss complex administration, finance, zoning and land development issues;
  - (3) consider any other matters that from time to time may require Council's in depth consideration; and

- (4) provide a forum for less formal public input on matters placed before the Committee.

- 74. COTW will be separate from Council and will report and make recommendation to Council.

**PRESIDING MEMBERS AT COTW MEETINGS**

- 75. Any Council Member may preside in COTW.
- 76. The Mayor, or in his absence, the Members of Council, must appoint a presiding Member for the COTW meeting.

**MEETINGS OF COTW**

- 77. COTW may meet on a regular basis on the second Monday of each month commencing at 7:00 p.m.
- 78. Regular meetings of COTW must take place within the Council Chambers, Municipal Hall unless Council has resolved to hold the meeting in another place, in which case the Corporate Officer will give notice of the different meeting place by posting a notice of the change in the Public Notice Posting Place at least 24 hours prior to the time of the regular meeting.
- 79. A meeting, other than a Standing or Select Committee meeting, to which all Members of Council are invited to consider, but not to decide on, matters of the municipality's business, is a meeting of COTW.
- 80. Notice of Committee Meetings shall be in accordance with Section 94 of the *Community Charter*.

**MINUTES OF COTW**

- 81. Minutes of the proceedings of COTW shall be in accordance with Sections 26 to 28.

**PROCEDURE AT COTW MEETINGS**

- 82. The rules of the Council procedure must be observed during COTW meetings, so far as is possible and unless as otherwise provided in this Bylaw, except that a reduced formality can be provided, the public can be afforded additional opportunities for input, and Council Members provided multiple opportunities to address an issue.

**PUBLIC INPUT AT COTW MEETINGS**

83. In addition to the opportunity provided to an applicant, the public may, by resolution of Council, be given an opportunity to be heard or present written submissions respecting the matters on the agenda.
84. Public representations will be limited to one presentation by each person for a maximum of two minutes.

**COMMITTEES AND COMMISSIONS****APPOINTMENTS TO COMMITTEES AND COMMISSIONS**

85. The Mayor shall review and update annually prior to December 31<sup>st</sup> of the current year, the list of Mayor's appointments.
86. The Council shall review and update annually, prior to December 31<sup>st</sup> of the current year, the list of Council appointments in accordance with section 89 of this bylaw.
87. The Mayor shall be an *ex officio* Member of all Committees of the Council and be entitled to vote at all meetings and proceedings thereof.

**VOTING ON APPOINTMENTS**

88. In every selection by the Council for the appointment of any person to an office within the authority of Council, the names of all the applicants shall be submitted before any vote is taken.
89. Any appointment within the authority of the Council may be made by resolution of the Council or on a vote by secret ballot. A secret ballot shall be taken in any case in which it is called for by any Member.
90. The Corporate Officer shall act as scrutineer in the taking of any vote by secret ballot.

**COUNCIL ATTENDANCE AT COMMITTEE MEETINGS**

91. Council Members attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of the majority of Committee members present.
92. Council Members attending a meeting of a Committee of which they are not a member must not vote on a question.

**SCHEDULE OF COMMITTEE MEETINGS**

93. Unless otherwise governed by bylaw, or established by prior resolution of Council, the following shall apply:
- (1) At its first meeting after its establishment, a Committee must:
    - i) elect a Chairperson, and
    - ii) establish a regular schedule of meetings.
  - (2) The Chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

**SEVERABILITY**

94. If any section, subsection, clause or other provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the decision does not affect the validity of the remaining portions of this bylaw.

**REPEAL**

95. This bylaw may not be amended, or repealed and substituted, unless Council first gives notice in accordance with Section 94 of the *Community Charter*.
96. *Council Procedure Bylaw 1989, No. 1930* and all amendments thereto are hereby repealed.

READ a first time by the Municipal Council this 19<sup>th</sup> day of April, 2004.

READ a second time by the Municipal Council this 19<sup>th</sup> day of April, 2004.

READ a third time by the Municipal Council this 19<sup>th</sup> day of April, 2004.

NOTICE GIVEN in accordance with Section 94 of the *Community Charter* by way of posting in the public notice posting locations on the 17th day of March, 2004 and the 24th day of March, 2004.

**ADOPTED** by the Municipal Council this 26<sup>th</sup> day of April, 2004.

D. A. Robinson  
Mayor

J. P. G. McLuckie  
Corporate Administrator