

# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

## **COUNCIL PROCEDURE BYLAW NO. 2715, 2009**

### **CONSOLIDATED FOR CONVENIENCE November 2021**

**In case of discrepancy, the original Bylaw or  
Amending Bylaw must be consulted**

Consolidates Amendments authorized by:

- Amendment Bylaw [No. 1], 2011, No. 2781
- Amendment Bylaw [No. 2], 2014, No. 2832
- Amendment Bylaw [No. 3], 2018, No. 2930
- Amendment Bylaw [No. 4], 2020, No. 2992
- Amendment Bylaw [No. 5], 2020, No. 2995
- Amendment Bylaw [No. 6], 2021, No. 3015
- Amendment Bylaw, 2021, No. 3044

## EXPLANATORY NOTES TO PROCEDURE BYLAW

The provisions contained in the Procedure Bylaw fit into four different categories of legislative authority contained in the *Community Charter*.

The four categories of provision contained in the Procedure Bylaw are as follows:

1. **Mandatory** -- The provisions contained in this category are required by the *Community Charter*. Unless otherwise identified, all provisions in the bylaw are mandatory. Some mandatory provisions contain blanks for information to be added as specified;
2. **Optional** -- These are provisions which a council may choose not to include. For example, providing for special council meetings to be conducted electronically or having a council or council committee member attend a council meeting or council committee meeting through electronic or other communication facilities is an optional provision found at section 8 of the Procedure Bylaw;
3. **Mandatory with Required Content** -- The provisions contained in this category are required by the *Community Charter*, however, they are general in the *Community Charter* and must be particularized. For example, the requirement in the *Community Charter* to give notice of special meetings are general and should be particularized by specifying the specific locations in the municipality where copies of the notice must be posted or left;
4. **Mandatory with Optional Content** -- The provisions contained in this category are mandatory but their content is optional. For example, s. 124 of the *Community Charter* makes it mandatory for councils to establish general procedures to be followed by council and council committees in conducting their business and councils must establish the rules of procedure for their council meetings and their meetings of council committees. However, the *Community Charter* does not prescribe the specific details of those rules and procedures and therefore, although there should be some provision related to the general topic, the content is optional. These provisions are found at sections 13 to 29 of the Procedure Bylaw.

There are other rules which apply to council meetings and other bodies as prescribed in s. 93 of the *Community Charter* which are not contained in the Procedure Bylaw. These are powers which spring directly from the *Community Charter* and specify a rule or procedure where Council has no discretion. For example, the rules contained at sections 89 to 93 regarding open meetings are not repeated in the bylaw but may be appended to the bylaw for convenient reference as suggested in section 10 of the Procedure Bylaw. The sections relevant to a provision are indicated in a box in the left margin next to the section.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Bylaw NO. 2715

Being a Bylaw to establish regulations and proceedings of Municipal Council

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## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2715

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

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

#### PART 1 – INTRODUCTION

##### Title

1. This Bylaw may be cited as the “COUNCIL PROCEDURE BYLAW NO. 2715, 2009”.

##### Definitions

2. In this Bylaw,

**"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 standing, select, or other committee of Council, but does not include COTW.

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

**"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.

**"Delegation"** means the address at a Council meeting by an individual or group of people regarding any matter that falls within the jurisdiction of Council, but does not include speaking to a bylaw for which a public hearing has been held or is scheduled.

**"Electronic Means"** include electronic or other communication facilities that enable a meeting participant to hear, or see and hear, each other and except for any part of the meeting that is closed to the public, enables members of the public to hear, or see and hear, the meeting at the place specified for public attendance; **[Bylaw No. 3044]**

**"Electronic Meeting"** means a meeting conducted where all Council or Committee participate by electronic means; **[Bylaw No. 3044]**

**“Electronic Participation”** means a hybrid meeting where some meeting participants attend by electronic means and some attend in person;  
**[Bylaw No. 3044]**

**“Emergency Situation”** means any event in which a declaration of provincial or local state of emergency is made; **[Bylaw No. 3044]**

**“Mayor”** means the Mayor of the Township, 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.

**“Municipal Hall”** means the Municipal Hall located at 1129 Esquimalt Road, Esquimalt, British Columbia.

**“Municipal Web Site”** means the information resource found at an internet address provided by the Township.

**“Public Notice Posting Places”** means the Notice Board at the Municipal Hall, 1229 Esquimalt Road, Esquimalt BC and the municipal website.

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

**“Presentation”** shall mean information provided at a Council meeting by a representative(s) of an outside organization through a verbal report, power point, video, picture show or other electronic means.

**“Special Council Meeting”** means a Council meeting other than a regular meeting or an adjourned 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.

**“Township”** means the Corporation of the Township of Esquimalt.

### **Application of rules of procedure**

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, Commissions and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the latest edition of the New Robert’s Rules of Order, apply to the proceedings of Council, COTW, Council committees and commissions to the extent that those Rules are
  - (a) applicable in the circumstances, and

- (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

### Suspension of rules of procedure

4. The rules of procedure contained in this Bylaw, except those that are governed by statutory provisions, may be suspended by an affirmative 2/3 vote of the Council members present at a Council or COTW meeting, other than a Public Hearing. **[Bylaw No. 3044]**

## PART 2 – COUNCIL MEETINGS

### Inaugural Meeting

Mandatory with Required Content
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5. (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election. **[Bylaw 2930]**
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

### Time and location of meetings

Mandatory with Required Content
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6. (1) All Council meetings must take place within Council Chambers, Municipal Hall except when Council resolves to hold meetings elsewhere, or where a meeting is to be held by electronic means. **[Bylaw No. 3044]**
- (2) Regular Council meetings must
- (a) be held on the first and third Monday of each month, except that when such Monday is a statutory holiday, the meeting shall be rescheduled so that first and third meetings of the month are regular Council meetings; **[Bylaw 2832]**
- (b) begin at 7:00 p.m.; and,
- (c) be adjourned at 10:30 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with s. 31; **[Bylaw 3015]**
- (d) Despite subsection (a), there will be no scheduled Council or Committee of the Whole meetings during the last two weeks of July and the first two weeks of August.
- (3) Regular Council meetings may:
- (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and
- (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice; and

- (c) the Corporate Officer notifies Council members of the new date and time for the meeting.

**Notice of Council Meetings**

Mandatory with Required Content
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- 7. (1) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must prepare annually on or before December 24, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must give notice annually on or before December 24 of the time and duration that the schedule of regular Council meetings will be available beginning the following January in accordance with section 94 of the *Community Charter [requirements for public notice]*.
- (3) At least 72 hours before each regular Council meeting, 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
- (4) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates revisions to the date, time and place or cancellation of a regular Council meeting.
- (5) Where a Regular meeting of Council is to be held by electronic means, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places advising of:
  - (a) the date and time of the meeting;
  - (b) the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
  - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public. **[Bylaw No. 3044]**

**Notice of special meetings**

Mandatory with Required Content
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- 8. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter [notice of council meeting]*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
  - (a) posting a copy of the notice in the Council chambers at City Hall;
  - (b) posting a copy of the notice at the Public Notice Posting Places;

- (c) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall; and
  - (d) the Corporate Officer contacting Council members directly.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.
- (3) Where a special meeting of Council is to be conducted by electronic means or other communication facilities, except where notice is waived by unanimous vote of all Council members, the Corporate Officer must post notice to the Public Notice Posting Places at least 24 hours in advance of the meeting advising of:
- (a) the date and time of the meeting;
  - (b) the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
  - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.  
*[Bylaw No. 3044]*

### **Electronic meetings**

9. (1) Regular meetings of Council and COTW may be held by electronic means or other communication facilities in the event of an emergency situation if the requirements in subsection (3) are met.
- (2) Special Council or COTW meetings may be conducted by means of electronic or other communication facilities at the discretion of the Mayor, CAO, or Corporate Officer if the requirements of subsection (3) are met.
- (3) Electronic meetings of Council shall:
- (a) be conducted in accordance with this Bylaw;
  - (b) provide for advance public notice of the meeting in accordance with the requirements contained in the *Community Charter* and in sections 7, 8, and 44 of this Bylaw; and
  - (c) the facilities must:
    - (i) enable the meetings' participants to hear, or watch and hear, each other;
    - (ii) enable the public to hear, or watch and hear, the meeting at the place specified for public attendance, except for any part of the meeting that is closed to the public; and
    - (iii) enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place, except for any part of the meeting that is closed to the public.

- (4) Once the meeting is called to order, the presiding member must verbally confirm the attendance of all meeting participants present.  
**[Bylaw No. 3044]**

### **Electronic Participation**

10. (1) Members of Council and Committees of Council must make all reasonable efforts to attend meetings in person unless an electronic meeting is scheduled in accordance with section 9 of this Bylaw. Members may participate in Regular Council or COTW, Special Council of COTW, or closed meetings by electronic means or other communication facilities provided that:
  - (a) they are not the presiding member;
  - (b) no more than three members of Council are participating electronically, except in accordance with the provisions under section 9 of this Bylaw;
  - (c) the Corporate Officer is notified prior to the meeting
  - (d) the Corporate Officer is able to secure the electronic equipment necessary to facilitate electronic participation in the meeting;
  - (e) the facilities enable the meeting participants to hear, or watch and hear, each other;
  - (f) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public; and
  - (g) electronic participants must take reasonable precautions to ensure that all content from a closed meeting remains confidential.
- (2) Council members may not participate electronically in more than three consecutive meetings without a resolution of Council.
- (3) After a meeting is called to order, the presiding member must identify any Council or Committee member who is participating electronically.
- (4) Members of the public wishing to participate electronically in meeting open to the public must register in advance with the Corporate Officer.
- (5) The following may participate by electronic means provided that the Corporate Officer has been notified in advance and the facilities necessary to facilitate electronic participation can be secured:
  - (a) Presentations, in accordance with section 21 of this Bylaw; and
  - (b) Delegations and Petitions, in accordance with section 22 of this Bylaw.  
**[Bylaw 3044]**

**PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

Mandatory with required content

11. (1) At the first Regular Meeting held in November each year Council, upon considering the recommendations of the Mayor, must in respect of the ensuing calendar year appoint:
- (a) 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
  - (b) on a scheduled rotation, each member to serve for two months as Acting Mayor. **[Bylaw 2930]**
- (2) Each Councillor designated under section 11(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 11(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (4) The member designated under section 11(1) or chosen under section 11(3) has the same powers and duties as the Mayor in relation to the applicable matter.
- (5) 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.

**PART 4 – COUNCIL PROCEEDINGS****Community Charter Provisions**

Optional

12. Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 [*Open Meetings*] and Division 2 of Part 5 [*Council Proceedings*]. The relevant extracts from the *Community Charter* are appended to this bylaw for convenient reference.

**Attendance of Public at Meetings**

13. (1) Except where the provisions of section 90 of the *Community Charter* [*meetings that may or must be closed to the public*] apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter* [*requirements before Council meeting is closed*].

- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
  - (a) COTW,
  - (b) standing and select committees,
  - (c) advisory bodies such as advisory planning commission,
  - (d) parcel tax review panel,
  - (e) board of variance,
- (4) Despite section 13(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 11 may expel or exclude from a Council meeting a person in accordance with section 23(8).
- (5) If the person who is expelled does not leave the meeting, a peace officer may enforce the order as if it were a court order. Where meetings are conducted by electronic means, or where the member of the public is participating by electronic means, the Mayor or Presiding Member may direct the Corporate Officer to disconnect the member of the public from the meeting. **[Bylaw 3044]**

#### **Minutes of meetings to be maintained and available to public**

14. (1) Minutes of the proceedings of Council must be
  - (a) legibly recorded,
  - (b) certified as correct by the Corporate Officer; and
  - (c) signed by the Mayor or other member presiding at the meeting at which the minutes are adopted.
- (2) to subsection 14(3), and in accordance with section 97(1)(b) of the *Community Charter* [other records to which public access must be provided] minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (3) Subsection 14(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter* [meetings that may be closed to the public].
- (4) With the exception of closed meetings, the minutes of the proceedings of the Committees and Commissions of Council must be open for public inspection.
- (5) 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.

- (6) The content of a closed portion of a 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.

Mandatory with optional content - Sections 13-31  
[Optional content: s. 124(1) and (2)(a) and (b) of the Community Charter make it mandatory for a Council to establish the general rules of procedure for Council meetings and Council Committee meetings. The content of the rules of procedure are not prescribed. Therefore, although it is necessary to set out the rules governing council procedure, their specific content is discretionary. Sections 13-31 of this Bylaw are only one example of provisions governing rules of procedure.]

### **Calling meeting to order**

15. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 9 must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 9 do not attend within 15 minutes of the scheduled time for a Council meeting:
  - (a) the Corporate Officer must call to order the members present, and
  - (b) the members present must choose a member to preside at the meeting.
- (3) The quorum of Council shall be four Members.
- (4) A quorum for all Committees shall be, unless otherwise specified by Council or bylaw, a majority of current members of the Committee.

### **Adjourning meeting where no quorum**

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

**Agenda**

17. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 12 noon on the Wednesday prior to the meeting.
- (3) The Corporate Officer must make the agenda available to the members of Council by 12 noon on the Friday prior to the meeting.
- (4) The Corporate Officer must make the agenda available to members of the public by 12 noon on the Friday prior to the regular meeting of Council by:
  - (a) posting a copy of the of the Agenda at the Public Notice Posting Places;
  - (b) 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.
- (5) Council must 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 19.

**Order of proceedings and business**

18. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below: **[Bylaw 2832]**
  - (a) Introduction of late items;
  - (b) Approval of agenda;
  - (c) Adoption of minutes;
  - (d) Public and Statutory Hearings;
  - (e) Public Hearing Staff Reports;
  - (f) Presentations;
  - (g) Delegations and Petitions;
  - (h) Public input on agenda items *excluding items which are or have been the subject of a Public Hearing;*
  - (i) Staff Reports;
  - (j) Bylaws;
  - (k) Mayor's/Councillors' Reports;
  - (l) Reports/Minutes from Committees;
  - (m) Communications;
  - (n) Other business;

- (o) Notice of Motion;
  - (p) Rise and Report (from In Camera);
  - (q) Public Questions/Comments;
  - (r) Adjournment.
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

### **Late Items**

19. (1) 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 Council at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under section 19(1), information pertaining to late items must be distributed to the members.
- (3) The deadline for late items to be included on an agenda is 12:00 p.m. (Noon) on the day of the Council meeting. **[Bylaw No. 2992]**

### **Voting at meetings**

20. (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
  - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by calling:  
  
"All in favour" followed by "Those opposed". **[Bylaw 3044]**
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
    - (i) cross or leave the room,
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
  - (d) after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
  - (e) the presiding member's decision about whether a question has been finally put is conclusive;

- (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand, or if participating by electronic means, by verbally stating their vote as either in favour or opposed; and  
**[Bylaw 3044]**
- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;
- (h) whenever a vote of Council on a matter is taken, the vote of each Councillor shall be recorded in the affirmative or negative; and
- (i) when the vote of Council is carried with all Councillors voting in the affirmative, the motion shall be recorded as “carried unanimously”.

### **Presentations**

- 21. (1) The number of presentations at any Council meeting shall be a maximum of two, unless Council authorizes otherwise. Each presenter will be limited to a time period of 10 minutes, after which will be followed by question period at the discretion of Council.

### **Delegations and Petitions**

- 22. (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item 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 5 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) 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.
- (3) Where written application has not been received by the Corporate Officer as prescribed in section 22(1), an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- (4) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (5) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (6) 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. If the delegation wishes to appeal the Corporate Officer’s decision, the information must be distributed under separate cover to Council for their consideration.

- (7) 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.

### **Public Input Opportunities**

23. The public will be provided an opportunity to ask questions or make comments on any item listed on the Council agenda except when a public hearing has already been held or where a public hearing is scheduled *excluding items which are, or have been, the subject of a Public Hearing*. The maximum time allotted will be at the discretion of the Chair. Each individual address will be limited to two minutes unless a longer period is approved by resolution of those Members present.

### **Points of order**

24. (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, the presiding member must 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 another Council member has raised a point of order in connection with the motion.
- (2) When the presiding member is required to decide a point of order
  - (a) the presiding member must cite the applicable rule or authority if requested by another Council member,
  - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a), and
  - (c) the presiding member may reserve the decision until the next Council meeting.

### **Conduct and debate**

25. (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member

- (a) must immediately stop speaking,
  - (b) may explain their position on the point of order, and
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter [authority of presiding member]*.
- (7) Members speaking at a Council meeting
- (a) must use respectful language,
  - (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
- (a) 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
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of Council, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
  - (b) a member who has made a substantive motion to the Council may reply to the debate;

- (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
- (d) a member may speak to a question, or may speak in reply, for longer than a total time of 15 minutes only with the permission of Council.

### **Motions generally**

26. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Council member may make only the following motions, when the Council is considering a question:
- (a) to refer to committee;
  - (b) to amend;
  - (c) to lay on the table;
  - (d) to postpone indefinitely;
  - (e) to postpone to a certain time;
  - (f) to move the previous question;
  - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) 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.

### **Motion to refer to committee**

27. Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

### **Motion for the main question**

28. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
  - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

**Amendments generally**

29. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is positive;
  - (c) the main question.

**Reconsideration by Council Member**

*Mayor's right of reconsideration found at s.131 of the Community Charter*

30. (1) Subject to subsection (5), a Council member who voted on the prevailing side may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) 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 (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]*,
  - (c) been acted on by an officer, employee, or agent of the City.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter [Mayor may require Council reconsideration of a matter]* is as valid and has the same effect as it had before reconsideration.

### **Privilege**

31. (1) In this section, a matter of privilege refers to any of the following motions:
- (a) fix the time to adjourn;
  - (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of the Council;
  - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### **Reports from committees**

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

### **Adjournment**

33. (1) A Council may continue a Council meeting after 10:30 p.m. only by an affirmative vote of 2/3 of the Council members present. **[Bylaw 3015]**

- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
  - (a) a motion to adjourn to a specific day;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 5 – BYLAWS**

Mandatory with optional content except s.34 which is mandatory
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### **Copies of proposed bylaws to Council members**

34. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

### **Form of bylaws**

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

### **Bylaws to be considered separately or jointly**

36. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
  - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

### **Reading and adopting bylaws**

37. (1) The presiding member of a Council meeting may
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - (b) request a motion that the proposed bylaw or group of bylaws be read;

- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 882 of the *Local Government Act [OCP adoption procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter [requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with section 890(9) of the *Local Government Act [public hearings]*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (7) In accordance with section 89 of the *Community Charter*, Council must not vote on the reading or adoption of a bylaw when the meeting is closed to the public.

### **Bylaws must be signed**

38. 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 and endorse upon it:
  - (a) the Township's corporate seal,
  - (b) the dates of its readings and adoption; and,
  - (c) the date of Ministerial approval or approval of the electorate if applicable.

## **PART 6 - RESOLUTIONS**

Mandatory with optional content
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### **Copies of resolutions to Council members**

39. Any Member may give "Notice of Motion" respecting an item which the Member intends to present by providing a written copy of such Motion to the Corporate Officer at least 24 hours before a meeting.
40. A Notice of Motion presented under Section 39 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.

## **PART 7 - COMMITTEE OF THE WHOLE**

<i>If COTW meetings are conducted must establish rules of procedure, the taking and certifying of minutes and providing for advance notice of meetings in accordance with s.124(2)(b), (c) and (d) of the Community Charter]</i>
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### **Going into Committee of the Whole**

41. (1) Committee of the Whole (COTW) meetings shall be held on the 2<sup>nd</sup> Monday of each month, except that when such Monday is a statutory holiday, the meeting shall be rescheduled so that the second meeting of the month is a COTW meeting. **[Bylaw 2781], [Bylaw 2832]**
- (2) At any time during a council meeting, Council may by resolution go into COTW. **[Renumbered by Bylaw 2781]**
- (3) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COTW. **[Renumbered by Bylaw 2781]**

### **Purpose of Committee of the Whole**

42. 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) receive public input on matters placed before the Committee.
43. COTW will be separate from Council and will report and make recommendations to Council.

### **Notice for COTW meetings**

44. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
  - (a) posting a copy of the notice at the Public Notice Posting Places;
  - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall; and
  - (c) contacting Council members directly of the date and time for the meeting.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 41, during a Council meeting for which public notice has been given under section 7 or 8.
- (3) COTW may meet on a regular basis on the second Monday of each month commencing at 6:00 p.m. **[Bylaw 3015]**

- (4) Regular meetings of COTW must take place within the Council Chambers, Municipal Hall unless Council has resolved to hold the meeting in another place, or the meeting is to be conducted by electronic means, 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. **[Bylaw 3044]**
- (5) Subject to subsection (1) where a Regular COTW meeting is to be held by electronic means, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places advising of:
  - (a) The date and time of the meeting;
  - (b) The way in which the meeting is to be conducted by electronic or other communication facilities;
  - (c) The place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public. **[Bylaw 3044]**

#### **Minutes of COTW meetings to be maintained and available to public**

45. (1) Minutes of the proceedings of COTW must be
  - (a) legibly recorded,
  - (b) certified by the Corporate Officer,
  - (c) signed by the member presiding at the meeting, and
  - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

#### **Presiding members at COTW meetings and Quorum**

46. (1) Any Council member may preside in COTW.
- (2) The Mayor, or in the Mayor's absence, the Members of Council, must appoint a presiding Member for the COTW meeting.
- (3) The quorum of COTW is the majority of Council members.

#### **Points of order at meetings**

47. The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

#### **Conduct and debate**

48. (1) 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.

- (2) In addition to the opportunity provided to an applicant, the public may be given an opportunity to be heard or present written submissions respecting the matters on the agenda, excluding items which are or have been the subject of a Public Hearing.
- (3) Public representations will be limited to one presentation by each person for a maximum of two minutes.
- (4) The following rules apply to COTW meetings:
  - (a) a motion is not required to be seconded;
  - (b) a motion for adjournment is not allowed;
  - (c) a member may speak any number of times on the same question;
  - (d) a member must not speak longer than a total of 10 minutes on any one question.

#### **Voting at meetings**

49. (1) Votes at a COTW meeting must be taken by a show of hands if requested by a member, or if participating by electronic means, by verbally stating their vote as either in favour or opposed. **[Bylaw 3044]**
- (2) The presiding member must declare the results of voting.

#### **Reports**

50. (1) COTW may consider reports and bylaws only if
  - (a) they are printed and the members each have a copy, or
  - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.
- (3) The COTW's reports to Council must be presented by the Corporate Officer.

#### **Rising without reporting**

51. (1) A motion made at a COTW meeting to rise without reporting
  - (a) is always in order and takes precedence over all other motions,
  - (b) may be debated, and
  - (c) may not be addressed more than once by any one member.

- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 41(1), the Council meeting must resume and proceed to the next order of business.

## **PART 8 – COMMITTEES & COMMISSIONS**

### **Appointments to Committees and Commissions**

52. The Mayor shall review and update annually prior to December 31<sup>st</sup> of the current year, the list of Mayor's appointments.
53. 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 54 of this bylaw.
54. 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**

55. 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.
56. 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.
57. The Corporate Officer shall act as scrutineer in the taking of any vote by secret ballot.

## **Committees**

### **Duties of Standing Committees**

58. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
  - (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;
  - (c) matters that are assigned by the Mayor.
- (2) Standing committees must report and make recommendations to Council at all of the following times:
  - (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are assigned by Council or the Mayor,
    - (i) as required by Council or the Mayor, or

- (ii) at the next Council meeting if the Council or Mayor does not specify a time.

### **Duties of Select Committees**

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

### **Schedule of Committee Meetings**

- 60. (1) At its first meeting after its establishment a standing or select committee must elect a Chairperson and 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.

### **Notice of Committee Meetings**

- 61. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
  - (a) posting a copy of the schedule at the Public Notice Posting Places; and
  - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The chair of a committee must cause a notice of the day, time and place of a meeting called under section 61(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

### **Electronic Participation**

- 62. Committee members may participate in Regular or Special Committee meetings by electronic means or other communication facilities, if necessary, provided that:
  - (1) they are not the presiding member;
  - (2) a minimum of quorum are participating in-person;
  - (3) the staff liaison is notified prior to the meeting;
  - (4) the facilities enable the meeting participants to hear, or watch and hear, each other; and
  - (5) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public. **[Bylaw 3044]**

**Attendance at Committee meetings**

63. Council members who are not members of a committee may attend the meetings of the committee.
64. 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.

**Minutes of committee meetings to be maintained and available to public**

65. Minutes of the proceedings of a committee must be
- a. legibly recorded,
  - b. certified by the Corporate Officer,
  - c. signed by the chair or member presiding at the meeting, and
  - d. open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

**Quorum**

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

**Conduct and debate**

67. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) A motion made at a meeting of a committee is required to be seconded.  
**[Bylaw 3044]**

**Voting at meetings**

68. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

**Commissions****Schedule of Commission meetings**

69. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a Commission may call a meeting of the Commission in addition to the scheduled meetings or may cancel a meeting.

**Notice of Commission meetings**

70. (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the times, dates and places of the Commission meetings, notice of the schedule must be given by:
- a. posting a copy of the schedule at the Public Notice Posting Places; and
  - b. providing a copy of the schedule to each member of the Commission.
- (2) Where revisions are necessary to the annual schedule of the Commission meetings, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places which indicates any revisions to the date, time and place for cancellation of a Commission meeting.
- (3) The Chair of a Commission must cause a notice of the day, time and place of a meeting called under section 70(2) to be given to all members of the Commission at least 12 hours before the time of the meeting.

**Electronic Participation**

71. Commission members may participate in Regular or Special Commission meetings by electronic means or other communication facilities, if necessary, provided that:
- (1) they are not the presiding member;
  - (2) a minimum of quorum are participating in-person;
  - (3) the staff liaison is notified prior to the meeting;
  - (4) the facilities enable the meeting participants to hear, or watch and hear, each other; and
  - (5) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public. **[Bylaw 3044]**

**Minutes of Commission meetings to be maintained and available to the public**

72. Minutes of the proceedings of a Commission must be:
- a. legibly recorded;
  - b. signed by the Chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

**Quorum**

73. The quorum of a Commission is a majority of all of its members.

**Conduct and Debate**

74. (1) The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

**PART 9 – GENERAL**

75. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
76. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter [public notice]*.
77. The Township of Esquimalt *Council Procedure Bylaw, 2004, No. 2585* is hereby repealed.

READ A FIRST TIME THIS 19<sup>th</sup> day of October, 2009.

READ A SECOND TIME THIS 19<sup>th</sup> day of October, 2009.

READ A THIRD TIME THIS 19<sup>th</sup> day of October, 2009.

RESCINDED THIRD READING THIS 18th of January, 2010

READ A THIRD TIME AS AMENDED THIS 18<sup>th</sup> day of January 2010

ADOPTED THIS 1<sup>st</sup> day of February, 2010.

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BARBARA DESJARDINS  
MAYOR

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CAROLLYNE EVANS  
CORPORATE ADMINISTRATOR