



## DISTRICT OF LANTZVILLE

### COUNCIL PROCEDURE BYLAW NO. 141, 2020

#### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of Bylaw No. 141 with the bylaws listed below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The Corporation does not warrant that the information contained in this consolidation is current. Certified copies of the original bylaws should be consulted to ensure accurate, current bylaw provisions.

<b>Date of Adoption</b>	<b>Amending Bylaw</b>	<b>Bylaw Citation</b>
April 27, 2020	Bylaw No. 230	Council Procedure Bylaw No. 141, 2020, Amendment Bylaw No. 230, 2020

**The bylaw numbers in bold in the margin of this consolidation refer to the last bylaw that amended each section of the principal bylaw: District of Lantzville Council Procedure Bylaw No. 141, 2020.**

## **DISTRICT OF LANTZVILLE BYLAW NO. 141, 2020**

### **COUNCIL PROCEDURE BYLAW**

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***[Some Council Procedures are established in Provincial Legislation, e.g. the Community Charter and Local Government Act. Some of these statutory requirements will be referenced in this Bylaw for information and convenience only. These are not a part of this Bylaw, will be inserted for reference only, and will be shown in italics and within square brackets. It is not a complete list. NOTE: The names of Legislation are also shown in Italics]***

**DISTRICT OF LANTZVILLE  
BYLAW NO. 141, 2020  
COUNCIL PROCEDURE BYLAW**

A Bylaw to provide for the procedure to be followed for the conduct of the business of the District of Lantzville and the business of its select and standing committees and commissions.

**PART 1 – INTRODUCTION**

**WHEREAS** *section 124 of the Community Charter* requires that Council must, by bylaw, establish the general procedures to be followed by Council and council committees in conducting their business;

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

**1. CITATION**

This bylaw may be cited for all purposes as the “District of Lantzville Council Procedure Bylaw No. 141, 2020”.

**2. DEFINITIONS**

In this Bylaw,

“Committee” means a standing or select committee of Council;

“Commission” means a commission established by Council under section 143 of the *Community Charter*;

“Council” means the elected Council of the District of Lantzville;

“Mayor” means the elected Mayor of the District of Lantzville;

“Corporate Officer” means the Director of Corporate Administration appointed by the Council in accordance with section 148 of the *Community Charter*;

“District” means the District of Lantzville;

“Municipal Hall” means the District of Lantzville Municipal Hall, located at 7192 Lantzville Road, Lantzville, British Columbia;

“Public Notice Posting Place” means the District’s public notice board at the entrance of the Municipal Hall.

### **3. RULES OF PROCEDURE**

- (1) The provisions of this bylaw govern the proceedings of the Council and all standing and select committees and commissions of Council, and further, the provisions of the District of Lantzville Council Committee System Policy shall apply to standing and select committees and commissions of Council, as long as the policy provisions are not in contravention of this bylaw.
- (2) In all cases not provided for in this bylaw, Council and its standing and select committees and commissions shall be governed by the rules of the most recent edition of "Robert's Rules of Order", to the extent that those rules are applicable in the circumstances and there is no inconsistency with this Bylaw, the *Community Charter* or the *Local Government Act*.
- (3) Unless expressly required to be exercised by bylaw, all powers of the Council may be exercised by bylaw or by resolution.

### **PART 2 - MEETINGS**

#### **4. QUORUM**

- (1) The quorum of Council members is a majority of the entire Council.

#### **5. INAUGURAL MEETING**

- (1) Following a general local election, the inaugural meeting of Council will be held the first Monday in November in the year of the election.
- (2) If a quorum of Council members elected at the general local election has not taken office by the first Monday in November, the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

#### **6. TIME AND LOCATION OF MEETINGS**

- (1) All Council meetings will take place within the Municipal Hall except when the Council resolves to hold meetings elsewhere within or outside the boundaries of the District.
- (2) A Regular Council meeting schedule shall be established annually, by resolution of Council, whereby regular meetings will:
  - (a) be held on two Mondays of each month except;
    - i. in December, only one meeting will be held;
    - ii. meetings will not be held during the month of August;
    - iii. where, pursuant to section 7(1) or (2), Council has established a different day for the regular meeting;
  - (b) be called to order at 7:00 pm;

- (c) be adjourned by 9:30 pm on the day scheduled for the meeting unless the Council resolves, by unanimous consent, to proceed beyond that time.
- (3) Regular Council meetings may be:
  - (a) cancelled by resolution of Council;
  - (b) postponed to a different day, time and place by the Mayor, provided that the Corporate Officer is given at least two working days' written notice.
- (4) Closed meetings, when required, will precede Regular meetings.

## **7. NOTICE OF COUNCIL MEETINGS**

- (1) Council will prepare annually on or before December 31<sup>st</sup>, a schedule of the dates, times and places of regular Council meetings and will make the schedule available to the public by posting it at the Public Notice Posting Place.
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer will, as soon as reasonably possible, post a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

## **8. NOTICE OF SPECIAL MEETINGS**

### **(Bylaw No. 230, 2020)**

- (1) The Mayor may call a special Council meeting in his or her discretion giving at least 24 hours' notice in writing by email to Council, with a copy to the Corporate Officer, and specifying the purpose for which the meeting is called.
- (2) Special meetings without notice shall be called only to address urgent matters, and be permitted only with unanimous consent of all Council members.
- (3) Two or more Council members may, in writing by email, with a copy to the Corporate Officer, request that the Mayor call a special Council meeting.
- (4) Two or more Council members may themselves call a special Council meeting if,
  - (a) within 24 hours after receiving the request under subsection (3), no arrangements are made under subsection (1) for a special Council meeting to be held within the next seven days, or;
  - (b) both the Mayor and Council member designated as acting Mayor are absent or otherwise unable to act.
- (5) Except where notice of the special meeting is waived by unanimous vote of all Council members, a notice of the date, hour and place of the special Council meeting will be given at

least 24 hours before the time of the meeting by posting a copy of the notice at the Public Notice Posting Place and will be emailed to each Council member.

- (6) A notice under subsection (5) will describe in general terms the purpose of the meeting and be signed by the Corporate Officer or Mayor.
- (7) If a special Council meeting is called under subsection (4), the Council members calling the meeting must provide the Corporate Officer with the description, in general terms, of the purpose of the meeting and must provide a notice of the date, hour and place of the special Council meeting giving at least 24 hours' notice before the time of the meeting. The Corporate Officer will post a copy of the notice at the Public Notice Posting Place and the notice must be signed by the Corporate Officer.
- (8) A special meeting agenda will be limited to the posted purpose of the meeting only. No additional items may be added.

## **9. ELECTRONIC ATTENDANCE AT MEETINGS**

- (1) A member of the Council who is unable to attend a Council meeting may participate in the meeting by means of audio, audiovisual, electronic or other communication facilities, if the conditions in subsection 128 (2) of the *Community Charter* are met, and if:
  - (a) the member is able to provide their own necessary devices (e.g. landline phone, cell phone, electronic or another communications facility/device);
  - (b) the meeting is a regular or special meeting and not an inaugural meeting of Council;
  - (c) the member has indicated his/her interest to the Corporate Officer to participate electronically at least one business day before the meeting;
  - (d) the member attending a meeting electronically participates during the full meeting.
- (2) The member presiding at the Council meeting must not participate electronically.
- (3) No more than 1 (one) member of the Council at one time may participate at a Council meeting electronically.
- (4) A member may not participate by electronic means for more than two consecutive Council meetings.
- (5) During a meeting where a member is in attendance via electronic or other communication facilities, if there is a technical failure resulting in the member being disconnected from the meeting, there will be only two efforts made to reconnect to the member. If reconnection to the member is not achieved, the member will be deemed to have left the meeting and the Corporate Officer will record this in the minutes.
- (6) Any member attending a meeting electronically must have a full agenda package available at the time of the meeting.

- (7) Despite sub-sections 9.(2), (3) and (4) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council meeting by means of electronic or other communication facilities, so long as they comply with the remaining requirements of this Section.

## **10. CONDUCT AT MEETINGS**

- (1) Where the Mayor or other person presiding at a meeting considers that a person is acting improperly, the person presiding may expel and exclude that person from the meeting.

### **PART 3 - CONFLICT OF INTEREST**

11. (1) Division 6 of Part 4 of the *Community Charter* shall apply to Council members.

### **PART 4 – DEPUTY MAYOR**

## **12. DESIGNATION OF A MEMBER TO ACT IN PLACE OF THE MAYOR**

- (1) At the Inaugural Council meeting, and at subsequent regular or special Council meetings during the Council term when a change to members designated is required, Council will from amongst its members designate Councillors to serve on a rotating basis, as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) If both the Mayor and the Councillor designated under subsection (1) are absent, the next Councillor designated shall preside at the Council meeting. If the Council member appointed under subsection (1) is absent, the Council members present must choose a Councillor to preside at the Council meeting.
- (3) Each councillor designated under subsections (1) or (2) must fulfill the responsibilities of the Mayor in the Mayor's absence, and has the same powers, duties and responsibilities as the Mayor.

### **PART 5 – COUNCIL PROCEEDINGS**

## **13. ATTENDANCE OF PUBLIC AT MEETINGS**

- (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, the Council must pass a resolution in a public meeting, stating the fact that the meeting or portion thereof is to be closed, and the basis under the applicable subsection of section 90 of the *Community Charter* which authorizes the meeting to be closed.

- (3) No member of the Council shall disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting declassifying an item or items which would permit disclosure.
- (4) Minutes of a closed meeting must be kept in the same manner as minutes of a regular meeting but must be kept in a secure location and must not be filed with the minutes of regular meetings, unless and until it has been declassified by resolution of Council.
- (5) No member of Council shall record any meeting or portion of a meeting of Council, whether by electronic audio or audiovisual device, manually or otherwise.
- (6) No member of Council or member of a Council Select Committee, Standing Committee or Commission shall record any meeting or portion of a meeting of a Select Committee, Standing Committee or Commission, whether by electronic, audio or audiovisual device, manually or otherwise.

*[Community Charter*

*133. Expulsion from Meetings*

- (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.*
- (2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.]*

**14. CONFIDENTIAL MATTERS**

- (1) Matters deemed to be of a confidential nature may be considered in the portion of the meeting closed to the public (Closed Meeting) if the subject matter being considered relates to any of the items in section 90 of the *Community Charter*.

**15. MINUTES OF MEETINGS**

- (1) Minutes of the proceedings of the Council must:
  - (a) be legibly recorded,
  - (b) not record the names of the mover or seconder of a motion,
  - (c) not record motions that are withdrawn,
  - (d) record the main motion, as amended, but not each amendment,
  - (e) be certified as correct by the Corporate Officer, and
  - (f) be signed by the Mayor or other member presiding at the meeting or presiding at the next meeting at which the minutes are adopted.
- (2) Subject to subsection (1) and in accordance with section 97 of the *Community Charter* [*other records to which public access must be provided*] minutes of the proceedings of the Council will be open for public inspection at the Municipal Hall during regular office hours.

- (3) Subsection (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) Minutes or notes will not be recorded or taken for matters taking place during the Public Input Period.

## **16. CALLING THE MEETING TO ORDER**

- (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor or the Councillor designated as the member responsible for acting in place of the Mayor must take the Chair and call the Council meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as a member responsible for acting in the place of the Mayor under section 12 do not attend within ten (10) 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, by resolution, choose a member to preside at the meeting.

## **17. ADJOURNING THE MEETING WHERE NO QUORUM**

- (1) If there is no quorum of Council present within ten (10) 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.
- (2) If a quorum ceases to exist during a Council meeting, the meeting shall be adjourned, and the Corporate Officer will record the name of the Council member who left the meeting and the time the meeting was adjourned.

## **18. AGENDA**

- (1) Prior to each Council meeting, the Corporate Officer will 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) Subject to the provisions of this bylaw, for regular meetings, the Corporate Officer will make available by email a copy of the agenda, and when emailing is not possible, a copy will be made available for pickup at the Municipal Hall. The Corporate Officer will endeavour to make the agenda available to the members of Council and to the public no later than the Friday afternoon prior to the meeting. The Corporate Officer shall post the regular meeting agenda to Public Notice Posting Place.
- (3) Special meeting agendas will be posted to Public Notice Posting Place on a best-efforts basis after the meeting is called and agenda items are available.

- (4) Confidential agendas for the closed portion of a regular or special Council meeting will be available for pick-up at the Municipal Hall by Council members.
- (5) All agenda items shall be submitted to the Chief Administrative Officer for review and approval no later than 1:00 pm, on the Tuesday of the week prior to the week of the meeting.
- (6) To enable the Corporate Officer to prepare the agendas for the regular meeting and closed portion of the meeting, all documents, matters and business to be submitted to the Council, must be delivered to the Corporate Officer no later than 1:00 pm on the Tuesday of the week prior to the week of the meeting except:
  - (a) those items introduced by members of Council as a “Notice of Motion” pursuant to section 22(1), and
  - (b) where the Council by an affirmative vote has agreed to deal with the motion at the meeting at which the notice was given.
- (7) An agenda item from a member of Council must be submitted to the Corporate Officer in writing, in the form of a report containing relevant explanatory information and background, with a recommendation, in accordance with the deadline established in subsection (6).
- (8) An item of business not included on a Council agenda must not be considered at a Council meeting unless:
  - (a) the matter is of an emergent nature that is time sensitive and cannot wait for the next scheduled meeting, or
  - (b) Council passes a unanimous resolution in which case a written report pertaining to the late item must be distributed to the members.

## **19. ORDER OF PROCEEDINGS AND BUSINESS**

- (1) The usual order of business at a regular Council meeting is as set out in the agenda for that meeting under the following headings, if there is business to be listed under the matter:

### **(Bylaw No. 230, 2020)**

- (a) Call to Order
- (b) Adoption of Agenda
- (c) Motion to Close the Meeting to the Public, if required
- (d) Reconvene (7:00 pm)
- (e) Public and statutory hearings
- (f) General Matters (delegations / recognitions)
- (g) Consent Agenda

- (h) Public Input Period
- (i) Legislative Matters (bylaws, development variance permits, agreements, contracts, grants, budgets)
- (j) Unfinished Business
- (k) Committee / Commission recommendations
- (l) New Business (reports and correspondence)
- (m) Introduction of Late Items (in accordance with subsection 18(8) for regular agenda)
- (n) Introduction of "Notice of Motion"
- (o) Public Clarification
- (p) Adjournment by Mayor

## **20. CONSENT AGENDA**

- (1) Consent Agendas are intended for regular Council meetings only and for routine business items that can be approved with a single motion and do not need any discussion or debate. It may include bylaws, correspondence, minutes and any "Information Only" reports.
- (2) Items listed in the Consent Agenda are considered for approval in one motion unless a member of Council wishes to remove an item, to ask questions regarding it or have a separate vote on it.
- (3) The presiding member will ask members what items, if any, they wish to be removed from the Consent Agenda to be discussed or debated individually.
- (4) If any member requests that an item be removed from the Consent Agenda, it must be removed. Members may request that an item be removed for any reason.
- (5) Items that present a Conflict of Interest for a Council member must be removed and considered separately.
- (6) Corrections to minutes may be noted without removing the item from the Consent Agenda.
- (7) The presiding member will then ask that the members adopt those items not removed from the Consent Agenda.
- (8) Removed items will then be voted on individually.

## **21. PUBLIC INPUT PERIOD**

- (1) Members of the public may provide comment only regarding items listed on the Council agenda (excluding public hearing topics) for that meeting; must first state their name and

address for the record; and may speak once for up two (2) minutes each. The presiding member may provide additional direction respecting public input.

## **22. PUBLIC CLARIFICATION**

- (1) Members of the public are limited to asking clarification questions regarding business discussed by Council at that meeting (excluding public hearing topics); must first state their name and address for the record; and may speak once for up to two (2) minutes each.

## **23. NOTICE OF MOTION**

- (1) Under introduction of Notice of Motion of the agenda, a member may introduce an item as a "Notice of Motion" for the next agenda. A "Notice of Motion" must be in writing, may contain no more than 2 (two) WHEREAS clauses, is introduced by reading the motion, and is not debatable. Subsequent to providing "Notice of Motion" the Council member shall prepare a written report for the next Council meeting in accordance with subsections 18(6) and 18(7). The Council, by unanimous vote of members present, may deal with the matter at the same meeting in which it is introduced.

## **24. PRECEDENCE**

- (1) All items on the 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 order by consent of Council.
- (2) Adoption of the Agenda as presented or as amended, includes receipt of all business items, e.g. reports, minutes and delegations, included in the agenda. Separate motions to receive are not required.

## **25. RECESS**

- (1) The Mayor may call a recess when reasonable circumstances warrant.

## **26. END OF MEETING**

- (1) When the agenda has been completed the Mayor will declare the meeting adjourned. If the agenda is not completed, a motion to adjourn the meeting is in order.

*[Community Charter*

*General voting rules*

123. (1) *Unless otherwise provided, a motion on a bylaw or resolution, or on any other question before council, is decided by a majority of the council members present at the meeting.*
- (2) *Each council member has one vote on any question.*
- (3) *Each council member present at the time of a vote must vote on the matter.*

- (4) *If a council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative.*
- (5) *If the votes of the members present at a council meeting at the time of the vote are equal for and against a motion, the motion is defeated.*
- (6) *A requirement under an enactment for an affirmative vote of a specified portion of all members of a council means an affirmative vote of that portion of the number of members of which the council consists under section 118 [size of council].*
- (7) *The voting rules established by this section also apply to council committees.]*

## **27. VOTING AT MEETINGS**

- (1) Council members shall vote on the question of each motion put before Council.
- (2) Voting, unless elsewhere stipulated, shall be by show of hands. Any Council member present who abstains from voting shall be deemed to have voted in the affirmative.
- (3) The Mayor shall be deemed to have voted at the same time as other Councillors.
- (4) A motion shall be passed with a majority of votes except as required otherwise in the *Community Charter*. A motion shall be defeated otherwise.
- (5) The following procedures apply to voting at Council meetings:
  - (a) when debate on a matter is closed the Mayor must put the matter to a vote of Council members;
  - (b) when Council is ready to vote, the Mayor must put the matter to a vote by stating words to the effect: “Those in favour raise your hands” and then “those opposed raise your hands”; and
  - (c) when the presiding member is putting the matter to a vote under subsections (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 (a) or (b), unless the interrupting member is raising a point of order;
  - (d) after the presiding member 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;

- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative (Carried) or the negative (Defeated);
- (h) In all cases [except a motion to Sustain the Chair] where the votes of the members present and entitled to vote, including the vote of the presiding member, are equal for and against a question, the question shall be declared in the negative and shall be defeated, in which case the presiding member or other member presiding must so declare.
- (i) The presiding member must declare the results of the voting by stating the name(s) of those members opposed and that the question is decided in either the affirmative or the negative (“Carried” or “Carried Unanimously” or “Defeated”).

## **28. DELEGATIONS**

- (1) A delegation of one or more persons may apply to the Corporate Officer to address Council at a meeting, provided written application on a form approved by the Corporate Officer has been received by the Corporate Officer prior to 1:00 pm on the Tuesday of the week prior to the week of the meeting. Only those delegations scheduled on the Council agenda will be heard. Unless otherwise previously arranged, delegations are required to limit their comments to 10 (ten) minutes and be supported by written submission which is to be provided to the Corporate Officer in accordance with section 18(6).
- (2) Where a written application has not been received, presentations from the audience shall not be heard unless approved by an affirmative vote of Council members present and, if approved, they are required to limit their comments to 5 (five) minutes. Council when considering whether to approve adding a late delegation to the agenda, will consider whether the item arose since the agenda deadline for submissions, if the delegation can be heard at the next meeting, and whether the topic is time-sensitive and requires urgent consideration.
- (3) The number of delegations at a Council meeting shall generally be limited to 2 (two) at each meeting; additional delegations shall be permitted if approved by the Corporate Officer.
- (4) Council shall not act on a request from a delegation until the next regular meeting, unless consent by a unanimous vote of Council is given to consider the matter following the delegation under, “*New Business*”.
- (5) Delegations must not be heard at regular or special Council meetings on the following:
  - (a) Official Community Plan, OCP amendment bylaws, Zoning Bylaw and Zoning amendment bylaws that have not yet been adopted, defeated or abandoned;
  - (b) Personnel matters;
  - (c) Matters on which Council has commenced legal action and on which judgement has not been rendered;
  - (d) Nominated political candidates; and

- (e) Applications for grants in aid.
- (6) Council shall not provide response to public inquiries related to matters set out in paragraphs (a) and (b) of subsection (5).
- (7) Individuals requesting to appear as a delegation concerning a complaint or an issue with the municipality will first be referred by the Corporate Officer to the appropriate staff person. The delegation request will be approved only when the Corporate Officer has evidence that the staff referral has been unsuccessful.
- (8) The Corporate Officer may refuse to place a delegation on the agenda if he or she does not believe the issue is 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 its consideration.

## **29. POINTS OF ORDER**

- (1) Without limiting the Mayor's or presiding member's duty under section 132 (1) of the *Community Charter* (authority of a presiding member), the Mayor or presiding member will apply the correct procedure to a motion:
  - (a) if the motion is contrary to the rules of procedure in this Bylaw, and
  - (b) whether or not another member has raised a point of order in connection with the motion.
- (2) When the Mayor or presiding member is required to decide a point of order:
  - (a) the Mayor or presiding member will cite the appropriate rule or authority if requested by another Council member.
  - (b) another member must not question or comment on the rule of authority cited by the Mayor or presiding member under paragraph (a).
- (3) The Mayor or presiding member may reserve the decision until the next Council meeting.
- (4) A member must cease speaking when called to order and while the point of order is being stated.
- (5) When the presiding member is of the opinion that a motion is contrary to the rules and privileges of the Council, the presiding member shall apprise the members thereof without proposing the question and shall cite the rule or authority applicable to the case without argument or comment. The ruling of the presiding member may be appealed by the other members of Council present.
- (6) On an appeal by a Council member from the decision of the presiding member, the question shall be immediately put by him and decided without debate "shall the Chair be sustained?" and the presiding member shall be governed by the vote of the majority of Council members

present, excluding the Mayor. In the event of the votes being equal, the question shall pass in the affirmative.

- (7) If the presiding member refuses to put the question “Shall the presiding member be sustained?”, the Council shall immediately appoint a presiding member pro tem. A resolution or motion carried under this section is binding.

*[Community Charter*

*Authority of presiding member*

132. (1) *The mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise, subject to an appeal under this section.*
- (2) *On an appeal by a council member from a decision of the presiding member under subsection (1), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.*
  - (3) *As exceptions to section 123 [general voting rules],*
    - (a) *the mayor or other presiding member may not vote on a motion under subsection (2),*
    - (b) *the motion passes in the affirmative if the votes are equal, and*
    - (c) *the mayor or other presiding member must be governed by the result.*
  - (4) *If the mayor or presiding member refuses to put the question under subsection (2),*
    - (a) *the council must immediately appoint another member to preside temporarily,*
    - (b) *that other member must proceed in accordance with subsection (2), and*
    - (c) *a motion passed under this subsection is as binding as if passed under subsection (2).]*

**PART 6 – RULES OF CONDUCT AND DEBATE**

**30. CONDUCT OF SPEAKER**

- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses, and is recognized by, the presiding member.
- (2) Members must address the presiding member by that person’s title of Mayor or Acting Mayor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member shall 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, and
  - (b) may explain their position on the point of order and may appeal to the presiding member for a decision on the point of order in accordance with section 132 of the *Community Charter*.
- (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 from the member's seat by a peace officer, 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) No member of Council may speak more than once to the same question without the permission of Council, unless the member is explaining a material part of a previous speech without introducing a new matter.
- (11) 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
    - (ii) directly and concisely on the matter under debate;
  - (b) if necessary, by interrupting a member who is speaking, request the presiding member to consider and decide on a matter of comfort, convenience or privilege of the Council or of a member (question of privilege).
- (12) No member will use electronic device during a meeting for texting or emailing.

### **31. COMMUNICATING ON BEHALF OF COUNCIL**

- (1) A member must not claim to speak on behalf of Council unless authorized to do so.

- (2) Unless Council directs otherwise, the Mayor is Council's official spokesperson and, in the absence of the Mayor, it is the Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- (3) A member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the member personally disagrees with Council's position.
- (4) No member shall make a statement
  - (a) when they know that statement is false, or
  - (b) with the intent to mislead Council or members of the public.
- (5) Member communication includes all forms of communication including written, verbal and social media.
- (6) Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- (7) Council members have the right to speak publicly and explain their position and agreement or disagreement with the overall Council decision, but must not demean, criticize, dispute or disrespect the decision of Council.
- (8) Members must not purport to speak on behalf of the District or Council unless expressly authorized to do so.
- (9) Members will use caution in reporting Council's decision-making by way of the social media profiles and websites before the District has released any formal communication.
- (10) When speaking for themselves as individual members on social media or to the media, a member will include "in my opinion" or use a similar disclaimer to ensure it is expressly clear that they are speaking for themselves and not the District or Council as a whole.
- (11) Members will refrain from using or permitting the use of their social media accounts for the purposes that include:
  - (a) defamatory remarks, obscenities, profane language or sexual content;
  - (b) negative statements disparaging staff or calling into question the professional capabilities of staff;
  - (c) content that endorses, promotes or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - (d) statements that indicate a closed mind in relation to a matter that is to be the subject of a statutory or other public hearing; or

- (e) promotion of illegal activity.

### **32. CLOSING DEBATE**

- (1) Debate shall be closed by the presiding member when in the presiding member's opinion there has been a reasonable amount of debate.

### **33. MOTIONS GENERALLY**

- (1) The Council may debate and vote on a motion only if it is first moved by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda shall be considered out of order.
- (3) After a motion is moved and seconded, it shall be deemed to be in possession of the Council but may be withdrawn at any time, before decision or amendment, with unanimous consent of Council.
- (4) When the presiding member is of the opinion that there has been sufficient debate on a specific question or matter, the presiding member may call the question and no member of Council shall speak to the question nor shall any other motion be entertained except those of subsection (6) until the results of the vote have been declared.
- (5) No member shall speak on any question for longer than five (5) minutes or may speak in reply for longer than three (3) minutes, and for a maximum speaking time of 10 minutes.
- (6) A member may make only the following motions which take precedence when the Council is considering a question:
  - (a) to refer;
  - (b) to amend;
  - (c) to postpone (indefinitely or to a specific time);
  - (d) to adjourn.
- (7) A motion made under subsections (6)(c) and (6)(d) is not amendable or debatable, with the exception that a motion to postpone to a certain time is debatable only as to the time and reasons for postponement, and is amendable only to change the time to which the main motion is to be postponed.
- (8) 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.
- (9) When the presiding member is of the opinion that a motion put before the Council is contrary to the rules of Council, the presiding member shall apprise the members immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.

- (10) If a member has a prepared presentation to present as a motion or to a motion, the member shall supply same in written form to Council prior to the meeting.

#### **34. MOTION TO POSTPONE**

- (1) Until it is decided, a motion made at a Council meeting to postpone precludes an amendment of the main question.

#### **35. MOTION FOR THE MAIN QUESTION**

- (1) In this section, “main question”, in relation to a matter, means the motion that first brings the matter before the Council.
- (2) Only one amendment to the main question shall be permitted at any one time. Amendments to an amendment motion will not be permitted. The Corporate Officer shall not record the amendments to motions in the final minutes.

#### **36. AMENDMENTS GENERALLY**

- (1) A member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) The proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided before the main motion being considered is put to a vote.
- (5) An amendment that has been negated (defeated) by a vote of Council cannot be proposed again.

#### **37. RECONSIDERATION OF A MATTER**

*[In addition to the Mayor's right of reconsideration found at s.131 of the Community Charter]*

- (1) After a decision has been made on a matter, two (2) Council members, with the mover being a member who voted in the majority of the motion to be reconsidered, may move for reconsideration.
- (2) Reconsideration of a defeated matter may not be taken at the same meeting at which the motion was decided unless Council so resolves by unanimous consent.
- (3) Without limiting the authority of Council to reconsider a matter, the presiding member may require the Council to reconsider and vote again on a matter that was the subject of a vote.
- (4) As restrictions on the authority under subsection (3),
  - (a) reconsideration under this section may only be initiated if:

- i. at the same Council meeting as the vote took place, or
    - ii. within 30 (thirty) days following that meeting or the subsequent regular Council meeting, and
  - (b) a matter may not be reconsidered under this section if:
    - i. it has had the approval or assent of the electors and was subsequently adopted by Council;
    - ii. there has already been a reconsideration in relation to the matter;
    - iii. the matter has been acted upon by an officer, employee or agent of the Council; or
    - iv. it is a reconsideration of a motion to adopt a bylaw.
- (5) Council shall not discuss the main motion until the motion for reconsideration is passed in the affirmative.
- (6) On a reconsideration under this section, the Council:
  - (a) must deal with the matter as soon as convenient, and
  - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (7) If the original decision was a resolution and that decision is rejected on reconsideration, the resolution is of no effect and is deemed to be rescinded.
- (8) If a motion for reconsideration is lost (defeated), the motion shall not be reintroduced to Council for 6 (six) months.

*[Community Charter*

*Mayor may require council reconsideration of a matter*

131. (1) *Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.*
- (2) *As restrictions on the authority under subsection (1),*
- (a) *the mayor may only initiate a reconsideration under this section*
    - (i) *at the same council meeting as the vote took place, or*
    - (ii) *within the 30 days following that meeting, and*
  - (b) *a matter may not be reconsidered under this section if*
    - (i) *it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or*
    - (ii) *there has already been a reconsideration under this section in relation to the matter.*
- (3) *On a reconsideration under this section, the council*

- (a) *must deal with the matter as soon as convenient, and*
  - (b) *on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.*
- (4) *If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.]*

### **38. ADJOURNMENT**

- (1) Regular meetings shall be deemed to be adjourned at 9:30 pm on the day scheduled for the meeting unless the Council resolves to proceed beyond that time by unanimous vote of the members present.
- (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) Section 2 does not apply to either of the following motions:
  - (a) a motion to adjourn to a specific day; or
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 7 – BYLAWS**

### **39. RULES APPLYING TO BYLAWS**

- (1) A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each member before the Council meeting, or all members unanimously agree to waive this requirement.
- (2) The Council must consider a proposed bylaw at a Council meeting either:
  - (a) separately when directed by the presiding member or requested by another member,
  - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.
- (3) Before adoption, a bylaw requires the following readings:
  - (a) at first reading, the bylaw will be introduced by title only and will not be debated;
  - (b) at second reading, the bylaw will be read by title only, unless Council resolves that it be read in whole or in part and to consider the body of the bylaw;
  - (c) third reading, the bylaw will be read by title only, and subject to the bylaw and applicable legislation, may be debated; and
  - (d) at fourth reading (adoption) the bylaw will not be debated.
- (4) Three readings of a bylaw may be given at one meeting of Council except as provided in subsection (5).
- (5) A bylaw which requires a public hearing must, following its second reading, be referred to public hearing and other statutory referral requirements.

#### **(Bylaw No. 230, 2020)**

- (6) A bylaw may be amended at any time during second or third reading, except a Zoning or Official Community Plan bylaw may be amended after a required public hearing only to the extent that the alteration does not:
  - (a) alter the use;
  - (b) increase the density;
  - (c) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.
- (7) There must be at least one day between third reading and adoption of a bylaw, except as provided for under the *Community Charter* or the *Local Government Act*.

- (8) If a bylaw fails to receive a mover and seconder at any reading or at adoption, that bylaw shall be deemed to have been defeated.
- (9) If a motion to pass any reading or adoption of a bylaw is defeated, that bylaw shall be deemed to have been defeated.
- (10) Bylaws may be considered only at meetings open to the public.

## **PART 8 – RESOLUTIONS**

### **40. COPIES OF RESOLUTIONS TO COUNCIL MEMBERS**

- (1) A resolution pertaining to an agenda item may be introduced at a Council meeting only if a copy of it has been delivered to each member at least 48 hours before the Council meeting, or if all Council members present unanimously agree to waive this requirement.

### **41. FORM OF RESOLUTION**

- (1) A resolution introduced at a Council meeting must be printed and provided to the Corporate Officer.

### **42. INTRODUCING RESOLUTIONS**

- (1) The presiding member of a Council meeting may:
  - (a) read the resolution, or request the member who introduced the resolution, to read the resolution, and
  - (b) request a motion to the resolution be introduced.

## **PART 9 - PUBLIC HEARINGS**

### **43. PROCEDURE**

- (1) Subject to subsection (2), a public hearing must be held before an Official Community Plan bylaw or a Zoning bylaw, or an amendment to such bylaw may be given third reading to allow the public to make representations to Council respecting matters contained in the proposed bylaw, as provided in the *Community Charter* or *Local Government Act*.
- (2) The public hearing must be held after first reading of the bylaw and before third reading, as provided in the *Community Charter* or *Local Government Act*.
- (3) At the public hearing all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing, as provided in the *Community Charter* or *Local Government Act*.
- (4) The presiding member of the public hearing may establish procedural rules for the conduct of the hearing. The presiding member will call the Public Hearing to order and advise of the

purpose of the hearing and the process, which will include the amount of time each speaker may speak. The applicant may make a presentation to Council regarding the application. Staff, on occasion, may be requested by the presiding member to provide a brief description of the application. The Director of Planning will indicate dates and locations the Public Hearing was advertised. The presiding member will call for representations from the audience as provided in the *Community Charter* or *Local Government Act*.

- (5) Representations made at a Public Hearing will not be treated as confidential.

## **PART 10 – COMMITTEES**

*[Community Charter*

*Standing committees of council*

141. (1) *The mayor must establish standing committees for matters the mayor considers would be better dealt with by committee and must appoint persons to those committees.*
- (2) *At least half of the members of a standing committee must be council members.*
- (3) *Subject to subsection (2), persons who are not council members may be appointed to a standing committee.*

*Select committees of council*

- 142 (1) *A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.*
- (2) *At least one member of a select committee must be a council member.*
- (3) *Subject to subsection (2), persons who are not council members may be appointed to a select committee.]*

*[Reference Community Charter, section 143 Municipal commissions, and Local Government Act, section 461 Advisory planning commission]*

## **44. COMMITTEES OF COUNCIL**

- (1) Standing and select committees and commissions as appointed from time to time by Council or the Mayor shall be governed by this bylaw.
- (2) The District of Lantzville Council Committee System Policy and amendments thereto provide for the processes that are to be followed by committees.
- (3) The committees of Council shall make recommendations to Council, and must not take action on any matters, nor direct department business, affairs or staff assigned to that committee. In special circumstances Council may, by a 2/3 affirmative vote, grant powers to a committee to act on a specific matter and such powers will be restricted to that matter.

## **PART 11 - REPEAL**

## **45. REPEAL**

District of Lantzville Council Procedure Bylaw No. 118, 2016, and all amendments thereto, are hereby repealed.

**PART 12 – SEVERABILITY**

**46. SEVERABILITY**

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

**READ A FIRST TIME** this 24<sup>th</sup> day of February, 2020.

**READ A SECOND TIME** this 24<sup>th</sup> day of February, 2020.

**READ A THIRD TIME** this 24<sup>th</sup> day of February, 2020.

**ADOPTED** this 9th day of March, 2020.

*ORIGINAL SIGNED*

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Mark Swain, Mayor

*ORIGINAL SIGNED*

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Ronald Campbell,  
Deputy Director of Corporate Administration