

Bowen Island Municipality

“Bowen Island Municipal Council Procedure Bylaw No. 111, 2004”

CONSOLIDATED FOR CONVENIENCE – JULY 2005

Amendment Bylaw	Date of Adoption
Bylaw No. 139, 2005	January 24, 2005

The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

BOWEN ISLAND MUNICIPALITY

Bowen Island Municipal Council Procedure Bylaw No. 111, 2004

A Bylaw to regulate procedures to be followed for the conduct of business at meetings of the Council of Bowen Island Municipality and Committees of Council and Commissions established by Council, in accordance with provisions outlined in the *Community Charter*

Contents	Page
PART 1 – INTRODUCTION	4
Title.....	3
Definitions.....	3
Application of rules of procedure	4
PART 2 – COUNCIL MEETINGS	5
Inaugural Meeting.....	5
Time and location of meetings.....	5
Notice of Council Meetings.....	6
Notice of special meetings.....	6
Electronic Meetings	6
PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR.....	7
PART 4 – MEETING PROCEEDINGS	7
<i>Community Charter</i> Provisions	7
Attendance of Public at Meetings	7
Minutes of meetings to be maintained and available to public.....	8
Calling meeting to order	8
Adjourning meeting where no quorum.....	9
Agenda	9
Order of proceedings and business.....	9
Late Items.....	10
Voting at meetings.....	10
Delegations.....	10
Points of order	12
Conduct at meetings.....	11
Expulsion from meeting	12
Adjournment	13
PART 5 – BYLAWS.....	14
Copies of proposed bylaws to Council members.....	14
Form of bylaws	14
Bylaws to be considered separately or jointly	14
Reading and adopting bylaws.....	14
Bylaws must be signed.....	14

Contents	Page
PART 6 - RESOLUTIONS.....	15
Copies of resolutions to Council members	15
Introducing resolutions	15
PART 7 - COMMITTEE OF THE WHOLE.....	15
Going into Committee of the Whole.....	15
Notice for COW meetings.....	15
Minutes of COW meetings to be maintained and available to public.....	16
Conduct and debate	16
Meeting proceedings	15
PART 8 – COMMITTEES AND COMMISSIONS	16
Duties of standing committees.....	16
Duties of select committees.....	17
Notice of committee and commission meetings.....	17
Quorum	17
PART 9 – GENERAL.....	17

The Council of Bowen Island Municipality in open meeting assembled enacts as follows:

PART 1 – INTRODUCTION

Title

1. (1) This Bylaw may be cited as the “Bowen Island Municipal Council Procedure Bylaw No.111 2004”.

Definitions

2. (1) In this Bylaw:

“*Commission*” means a municipal commission established by Council under the Community Charter;

“*Committee*” means a standing, select, COW, or other committees of Council;

“*Community Charter*” means “Community Charter, Chapter 26, 2003”;

“*COW*” means the Committee of the Whole Council;

“*Corporate Officer*” means the person appointed as Corporate Officer for the Municipality, or his/her alternate;

“*Council*” means the Council of the Municipality;

“*Delegation*” means as individual or group appearing before Council to present information or make a request of Council.

“*Mayor*” means the Mayor of the Municipality;

“*Municipality*” means the Bowen Island Municipality;

“*Municipal Hall*” means the Bowen Island Municipal Hall located at 981 Artisan Lane, Bowen Island, British Columbia;

“*Public Notice Posting Places*” means the following places: the notice board at Municipal Hall, the notice board on the B C Ferry running between Snug Cove and Horseshoe Bay, the notice board at the Bowen Island Post Office, and the notice board at Bowen Island Public Library.

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COW, Commissions and all committees of Council, as applicable.

- (2) In cases not provided for under this Bylaw, *The New Robert's Rules of Order, 2nd edition, 1998*, apply to the proceedings of Council, Commissions, and Council committees 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*.
- (3) The business of Council will be conducted in accordance with this Bylaw or the *Community Charter* and, in the absence of provision in this Bylaw or the *Community Charter*, in accordance with parliamentary procedure as set out in "*The New Roberts Rules of Order, 2nd Edition, 1998*."

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

4. (1) Following a general local election, the first Council meeting must be held on the first **Monday** in December 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 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

5. (1) All Council meetings must take place within Municipal Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must:
 - (a) be held on the **second and fourth Monday** of each month; and
 - (b) begin at **7:00 p.m.**;
 - (c) be adjourned at **9:30 p.m.** on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with Section 23(2) of this Bylaw;
 - (d) when such meeting falls on a statutory holiday, be held on the next day Municipal Hall is open following which is not a statutory holiday.
- (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 two (2) days written notice.

Notice of Council Meetings

- 6. (1) In accordance with the *Community Charter*, Council must prepare annually during the first week of December each year, 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 the *Community Charter*, Council shall give notice annually during the third week of December each year of the time and duration that the schedule of regular Council meetings will be available beginning on December 15th in accordance with the *Community Charter*.

Notice of special meetings

- 7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members as provided in the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 48 hours before the time of meeting, by:
 - (a) posting a copy of the notice in the Council Chambers at Municipal Hall,
 - (b) posting a copy of the notice at the Public Notice Posting Places, and
 - (c) leaving one copy of the notice for each Council member in the Council member's mailbox at Municipal Hall.
- (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.

Electronic Meetings

- 8. (1) Provided the conditions for electronic meeting set out in the *Community Charter* are met,
 - (a) a Council or Committee/Commission meeting may be conducted by means of visual and audio electronic or other communication facilities if:
 - (i) the Mayor requires or
 - (ii) the Council requires or
 - (iii) Chair of the Committee/Commission requires

- (b) a member of Council or a Council Committee member who is unable to attend at a Council meeting or Committee/Commission meeting, as applicable, may participate in the meeting by means of visual and audio electronic or other communication facilities, if the meeting is a regular, special and/or Committee/Commission meeting.
- (2) The member presiding at a Council or Committee/Commission meeting must not participate electronically.
- (3) No more than two members of Council or Committee/Commission meetings at one time may participate at a Council meeting under Section 8(1)(b).

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

- 9. (1) Annually in December, Council must 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) Each Councillor designated under section 9(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 9(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 9(1) or chosen under section 9(3) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – MEETING PROCEEDINGS

Community Charter Provisions

- 10. (1) Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions pertaining to “Open Meetings” and “Council Proceedings”. The relevant extracts from the *Community Charter* are appended as Appendix “A” to this Bylaw for convenient reference.

Attendance of Public at Meetings

- 11. (1) Except where the provisions for closed meetings outlined in the *Community Charter* 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 as outlined in the *Community Charter*.
- (3) This section applies to all meetings of other bodies referred to in the Community Charter, including without limitation:
 - (a) COW
 - (b) Committees,
 - (c) Commissions,
 - (d) parcel tax review panel,
 - (e) board of variance,
- (4) Despite section 11(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 9 of this Bylaw may expel or exclude from a Council meeting a person in accordance with Section 22 of this Bylaw.

Minutes of meetings to be maintained and available to public

12. (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 or at the next meeting at which the minutes are adopted.
- (2) Subject to Section 12(3) of this Bylaw, and in accordance with the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at Municipal Hall during its regular office hours.
- (3) Section 12(2) does not apply to minutes of a closed Council meeting or that part of a Council meeting from which persons were excluded under the *Community Charter*.

Calling meeting to order

13. (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 of this Bylaw 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 of this Bylaw 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.

Adjourning meeting where no quorum

14. (1) 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

15. (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 to the Corporate Officer of items for inclusion on the Council meeting agenda must be 12:00 noon seven (7) calendar days prior to the meeting.
 - (3) The Corporate Officer must make the agenda available to the members of Council and the public no later than 4:30 p.m. five (5) calendar days prior to the meeting.
 - (4) 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 17 of this Bylaw.
 - (5) One full Council agenda package will be made available for public viewing at the Municipal Hall and the Bowen Island Public Library.

Order of proceedings and business

16. (1) The agenda for all regular Council meetings contains the following matters:
 - (a) Approval of agenda;
 - (b) Adoption of minutes;
 - (c) Introduction of late items;
 - (d) Public comments (15 Minutes)

- (e) Delegations – requests to address Council;
 - (f) Business arising from minutes;
 - (g) Staff Reports
 - (h) Correspondence;
 - (i) Reports of committees, COW, Commissions;
 - (j) Bylaws;
 - (k) New business;
 - (l) Information Items;
 - (m) Question Period;
 - (n) Adjournment - No later than 9:30 p.m. unless Council resolves to extend the meeting
- (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

17. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless the 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 17(1), information pertaining to late items must be distributed to the members.
- (3) Items to be included on the Late Items agenda will be limited to update on an item already on the regular Council meeting agenda or an item added due to a time restriction.
- (4) The deadline for submissions to the Corporate Officer of items for inclusion on the Late Items agenda must be 12:00 noon three (3) calendar days prior to the Council meeting.
- (5) The Corporate Officer must make the Late Items agenda available to the members of Council and the public no later than 4:30 p.m. three (3) calendar days prior to the Council meeting.

Voting at meetings

18. (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:
- (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
 - (i) 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;
- (g) if Council member does not vote he/she is deemed to have voted in the affirmative; and
- (h) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

Delegations

19. (1) A delegation may address Council at the meeting provided written application has been received by the Corporate Officer by 12:00 noon seven (7) calendar days prior to the meeting stating the topic to be presented and the amount of time required to present the topic.
- (2) 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.
- (3) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (4) 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.

Points of order

20. (1) Without limiting the presiding member's duty as outlined in the *Community Charter*, 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 at meetings

21. (1) A Council member may speak to a question or motion at a Council meeting only after being recognized by the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members may address other non-presiding members by the title Councillor.
- (4) No member may interrupt a member who is speaking except to raise a point of order.
- (5) 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 the *Community Charter*.
- (6) Persons speaking at a Council meeting:
 - (a) must speak only in connection with the matter being debated,
 - (b) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and

- (c) 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.
- (7) A member may require the question being debated at a Council meeting to be read at any time during the debate if that member does not interrupt another member who is speaking.
- (8) 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 5 minutes only with the permission of Council.

Expulsion from Meetings

- 22. (1) Persons attending meetings must use respectful language, and/or must not use offensive gestures or signs,
- (2) If a person does not adhere to Section 22(1) of this Bylaw, the presiding member may order the person to leave the meeting, and
- (3) If the person refuses to leave, the presiding member may cause the person to be removed from the meeting by a peace officer, and
- (4) If the person apologizes to the Council, Council may, by resolution, allow the person to remain at the meeting.

Adjournment

- 23. (1) That a Council meeting be adjourned at 9:30 p.m. as set out in Section (5)(2)(c);
- (2) A Council may continue a Council meeting after 9:30 p.m. only by an affirmative vote of two-thirds of the Council members present.

PART 5 – BYLAWS

Copies of proposed bylaws to Council members

24. (1) 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

25. (1) 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; and
 - (e) be divided into sections.

Bylaws to be considered separately or jointly

26. (1) 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

27. (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*.

Bylaws must be signed

28. (1) After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the

Corporate Officer must have it placed in the Municipality's records for safekeeping and endorse upon it:

- (a) the dates of its readings and adoption;
- (b) the date of Ministerial approval or approval of the electorate if applicable; and
- (c) the Municipality's corporate seal.

PART 6 - RESOLUTIONS

Copies of resolutions to Council members

29. (1) A resolution may be introduced at a Council meeting only if a printed copy of it has been delivered to each Council members at least twenty-four (24) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Introducing resolutions

30. (1) The presiding member of a Council meeting may:
- (a) have the corporate officer read the resolution; and
 - (b) request a motion that the resolution be introduced.

PART 7 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

31. (1) At any time during a council meeting, Council may by resolution go into COW.
- (2) In addition to Section 32(1) of this Bylaw, a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the Municipality's business, is a meeting of COW.

Notice for COW meetings

32. (1) Subject to Section 32(2) of this Bylaw a notice of the day, hour and place of a COW meeting must be given at least 48 hours before the time of the meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at Municipal Hall.

- (2) Section 32(1) of this Bylaw does not apply to a COW meeting that is called, in accordance with Section 31 of this Bylaw, during a Council meeting for which public notice has been given under Section 6 or 7 of this Bylaw.

Minutes of COW meetings to be maintained and available to public

33. (1) Minutes of the proceedings of COW 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*.

Conduct and debate

34. (1) The following rules apply to COW meetings:
- (a) a member may speak any number of times on the same question;
 - (b) a member must not speak longer than a total of 5 minutes on any one question.
 - (c) members of the public may speak to the members upon recognition by the presiding member, after all members have had an opportunity to speak, and may only speak a second time after the members and other members of the public have had the opportunity to speak a first time.

Meeting Proceedings

35. (1) Meeting Proceedings at COW meetings will be conducted as outlined in *Part 4 - Meeting Proceedings* of this Bylaw.

PART 8 – COMMITTEES AND COMMISSIONS

Duties of standing committees

36. (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

- 37. (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.

Notice of Committee and Commission meetings

- 38. (1) Notice of Committee and Commission meetings will be as outlined in Section 6(1), 6(2), and 7(1) of this Bylaw.

Quorum

- 39. (1) The quorum for a committee or commission meeting is a majority of all of its members.

Meeting Proceedings

- 40. (1) The procedures to be followed for committee and commission meetings will be observed so far as is possible as outlined in *Part 4 - Meeting Proceedings* of this Bylaw.

PART 9 – GENERAL

- 41. (1) 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.
- 42. (1) This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with public notice requirements of the *Community Charter*.
- 43. (1) "Bowen Island Municipal Council Procedure Bylaw No. 1, 1999" is hereby repealed.

READ A FIRST TIME THIS 22 day of March, 2004.

As required in Section 124(3) of the Community Charter, notice of proposed changes outlined in this Bylaw was placed in the March 26, 2004 and April 2, 2004 edition of The Undercurrent.

READ A SECOND TIME THIS 13th day of April, 2004.

READ A THIRD TIME THIS 13th day of April, 2004.

RECONSIDERED AND FINALLY ADOPTED THIS 26th day of April, 2004.

"Original signed"

Lisa Barrett
Mayor

"Original signed"

Isabell Hadford
Clerk

Certified to be a true and correct
Copy of Bylaw No. 111, 2004 cited
as "Bowen Island Municipal Council
Procedure Bylaw No. 111, 2004"
As adopted by the Council of Bowen
Island Municipality this 26th day of April, 2004

"Original signed"

Isabell Hadford
Clerk