

# 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*

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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 15<sup>th</sup> 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 eleven (11) 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 4:00 p.m. seven (7) 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.

### **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 eleven (11) 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 13<sup>th</sup> day of April, 2004.

READ A THIRD TIME THIS 13<sup>th</sup> day of April, 2004.

RECONSIDERED AND FINALLY ADOPTED THIS 26<sup>th</sup> 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 26<sup>th</sup> day of April, 2004

(Original signed) \_\_\_\_\_

Isabell Hadford

Clerk

**COMMUNITY CHARTER – PART 4**

**Division 3 -- Open Meetings**

**General rule that meetings must be open to the public**

**89** (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

**Meetings that may or must be closed to the public**

**90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
  - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
  - (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
  - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
  - (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
  - (o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
  - (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
  - (c) a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 [*ombudsman to notify authority*] of that Act;
  - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

**Other persons attending closed meetings**

**91** (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.

(2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,

(a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person

(i) already has knowledge of the confidential information, or

(ii) is a lawyer attending to provide legal advice in relation to the matter, and

(b) in other cases, if the council considers this necessary.

(3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all person in attendance.

**Requirements before meeting is closed**

**92** Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,

(a) the fact that the meeting or part is to be closed, and

(b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

**Application of rules to other bodies**

**93** In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:

(a) council committees;

(b) a municipal commission established under section 143;

(c) a parcel tax roll review panel established under section 204;

(d) a board of variance established under section 899 of the *Local Government Act*;

(e) an advisory body established by a council;

(f) a body that under this or another Act may exercise the powers of a municipality or council;

(g) a body prescribed by regulation.

#### **Division 4 -- Public Notice and Access to Records**

##### **Requirements for public notice**

**94** (1) If this section applies, the applicable notice must be

(a) posted in the public notice posting places, and

(b) published in accordance with this section.

(2) Subject to subsection (4), publication under subsection (1) (b)

(a) must be in a newspaper that is distributed at least weekly

(i) in the area affected by the subject matter of the notice, and

(ii) if the area affected is not in the municipality, also in the municipality, and

(b) unless otherwise provided, must be once each week for 2 consecutive weeks.

(3) The obligation under subsection (2) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.

(4) If publication under subsection (2) is not practicable, the notice may be given in the areas by alternative means as long as the notice

(a) is given within the same time period as required for publication,

(b) is given with the same frequency as required for publication, and

(c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication if it were practicable.

(5) As an exception, subsection (4) (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

(6) If the same matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.

(7) A council may provide any additional notice respecting a matter that it considers appropriate, including by the Internet or other electronic means.

**COMMUNITY CHARTER – PART 5**

**Division 2 -- Council Proceedings**

**Exercise of powers by bylaw or resolution**

- 122** (1) A council may only exercise its authority by resolution or bylaw.
- (2) If an enactment provides that a council is required or empowered to exercise a power by bylaw, that power may only be exercised by bylaw.
- (3) If a council may exercise a power by resolution, that power may also be exercised by bylaw.
- (4) An act or proceeding of a council is not valid unless it is authorized or adopted by bylaw or resolution at a council meeting.

**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.

**Procedure bylaws**

- 124** (1) A council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business.
- (2) Without limiting the matters that may be dealt with under this section, a council must, by bylaw, do the following:

- (a) establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [*Bylaw Procedures*] of this Part;
- (b) establish rules of procedure for meetings of council committees;
- (c) provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;
- (d) provide for advance public notice respecting the time, place and date of council committee meetings and establish the procedures for giving that notice;
- (e) identify places that are to be public notice posting places for the purposes of section 94 [*public notice*];
- (f) establish the procedure for designating a person under section 130 [*designation of member to act in place of the mayor*];
- (g) establish the first regular council meeting date referred to in section 125 (1) [*council meetings*] as a day in the first 10 days of December following a general local election.

(3) A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [*public notice*] describing the proposed changes in general terms.

#### **Council meetings**

**125** (1) The first regular council meeting following a general local election must be on the day set by procedure bylaw under section 124 (2) (g).

(2) If a quorum of council members elected at the general local election has not taken office by the time referred to in subsection (1), the first regular council meeting must be called by the corporate officer and held as soon as reasonably possible after a quorum has taken office.

(3) After the first regular meeting, a council must meet

- (a) regularly in accordance with the applicable procedure bylaw, and
- (b) as it decides and as provided in this Act.

(4) A special council meeting is a council meeting other than a regular meeting or an adjourned meeting.

#### **Calling of special council meetings**

- 126 (1) The mayor may call a special council meeting in his or her discretion.
- (2) Two or more council members may, in writing, request that the mayor call a special council meeting.
- (3) Two or more council members may themselves call a special council meeting if,
- (a) within 24 hours after receiving a request under subsection (2), no arrangements are made under subsection (1) for a special council meeting to be held within the next 7 days, or
  - (b) both the mayor and the person designated under section 130 [*designation of member to act in place of mayor*] are absent or otherwise unable to act.
- (4) If a special council meeting is called under subsection (3), the council members calling the meeting or the corporate officer must sign the notice under section 127 [*notice of council meetings*] in place of the mayor.

**Notice of council meetings**

- 127 (1) A council must
- (a) make available to the public a schedule of the date, time and place of regular council meetings, and
  - (b) give notice of the availability of the schedule in accordance with section 94 [*public notice*] at least once a year.
- (2) Subject to subsection (4), notice 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 at the regular council meeting place,
  - (b) posting a copy of the notice at the public notice posting places, and
  - (c) leaving one copy for each council member at the place to which the member has directed notices be sent.
- (3) The notice under subsection (2) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the mayor or the corporate officer.
- (4) Notice of a special council meeting may be waived by unanimous vote of all council members.

**Electronic meetings and participation by members**

**128** (1) If this is authorized by procedure bylaw and the requirements of subsection (2) are met,

(a) a special council meeting may be conducted by means of electronic or other communication facilities, or

(b) a member of council or a council committee who is unable to attend at a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

(2) The following rules apply in relation to a meeting referred to in subsection (1):

(a) the meeting must be conducted in accordance with the applicable procedure bylaw;

(b) the facilities must enable the meeting's participants to hear, or watch and hear, each other;

(c) for a special council meeting referred to in subsection (1) (a),

(i) the notice under section 127 (2) [*notice of special meetings*] must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear the proceedings that are open to the public, and

(ii) except for any part of the meeting that is closed to the public, the facilities must 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;

(d) for a meeting referred to in subsection (1) (b), except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.

(3) Members of council or a council committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

**Quorum for conducting business**

**129** (1) Subject to an order under subsection (3) or (4), the quorum is a majority of the number of members of the council provided for under section 118 [*size of council*].

(2) The acts done by a quorum of council are not invalid by reason only that the council is not at the time composed of the number of council members required under this Act.

(3) If the number of members of a council is reduced to less than a quorum, the minister may either

- (a) order that the remaining members of the council constitute a quorum until persons are elected and take office to fill the vacancies, or
  - (b) appoint qualified persons to fill the vacancies until persons are elected and take office to fill them.
- (4) The municipality may apply to the Supreme Court for an order under subsection (5) if, as a result of section 100 [disclosure of conflict], the number of council members who may discuss and vote on a matter falls below
- (a) the quorum for the council, or
  - (b) the number of council members required to adopt the applicable bylaw or resolution.
- (5) On an application under subsection (4), the court may
- (a) order that all or specified council members may discuss and vote on the matter, despite sections 100 [disclosure of conflict] and 101 [restrictions on participation], and
  - (b) make the authority under paragraph (a) subject to any conditions and directions the court considers appropriate.
- (6) An application under subsection (4) may be made without notice to any other person.

**Designation of member to act in place of mayor**

**130** (1) The council must, in accordance with its applicable procedure bylaw, provide for the designation of a councillor 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 mayor is vacant.

(2) If both the mayor and member designated under subsection (1) are absent from a council meeting, the members present must choose a member to preside.

(3) The member designated under subsection (1) or chosen under subsection (2) has the same powers and duties as the mayor in relation to the applicable matter.

**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.

**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 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).

**Expulsion from meetings**

**133** (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.

**Authority to compel witnesses**

**134** (1) A council or council committee

- (a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and

- (b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.

(2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.

(3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.