

TOWN OF LAKE COWICHAN

BYLAW NO. 1006-2018

The purpose of this Bylaw is to establish the general procedures to be followed by Council and Council committees in conducting their business.

**COUNCIL PROCEDURE BYLAW**

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## TOWN OF LAKE COWICHAN

## BYLAW NO. 1006-2018

**COUNCIL PROCEDURE BYLAW**

**WHEREAS** Section 124 of the *Community Charter* requires the establishment of procedures to be followed for meetings of council and council committees and in particular, 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;
- (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;
- (f) establish the procedure for designating a person under Section 130 to have a member of council to act in place of the mayor;
- (g) establish the first regular council meeting date referred to in Section 125 (1) following a general local election.

**NOW THEREFORE**, Council of the Town of Lake Cowichan in open meeting the Municipal Council of The Town of Lake Cowichan enacts the following provisions:

**PART 1 – INTRODUCTION****1. Title**

- 1.1 This Bylaw may be cited as the “Town of Lake Cowichan Council Procedure Bylaw No. 1006-2018”.

**2. Definitions**

In this Bylaw,

**CHAIR** means the mayor, acting mayor, or presiding officer appointed under the community charter or this bylaw, who is chairing a meeting;

**CLOSED MEETING** means an in-camera meeting to consider subject matter that is included in section 90 of the community charter;

**COMMITTEE** means standing, select, or other Committee of Council, but does not include Committee of the Whole;

**CORPORATE OFFICER** means the Chief Administrative Officer for the Town;

**COUNCIL** means the Council of the Town of Lake Cowichan;

**MAYOR** means the Mayor of the Town;

**PUBLIC NOTICE POSTING PLACES** means the notice board at the Town Office and *the Town Web site* unless having made reasonable efforts the Town is unable to effect such posting to the website;



**Question** means the subject matter of a motion;

**Quorum** means:

- (i) In the case of Council, a majority of the number of members of which the *Council consists under the Community Charter*; and
- (ii) In the case of a committee or other body, a majority of the voting members appointed;

**TOWN** means the Town of Lake Cowichan;

**TOWN WEB SITE** means the information resource found at an internet address provided by the Town;

**UNANIMOUS** means all members of Council currently elected and serving as Council members and does not mean only those members present to vote.

### 3. Application of Rules of Procedure

- 3.1 The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole and all standing and select committees of Council, as applicable.
- 3.2 In cases not provided for under this Bylaw, *Roberts Rules of Order* shall apply to the proceedings of Council, Committee of the Whole, 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*.
- 3.3. The rules of procedure contained in this bylaw, except those that are governed by statutory provisions of the *Community Charter* or the *Local Government Act*, may be temporarily suspended by unanimous vote of the members present.

## PART 2 – COUNCIL MEETINGS

### 4. Inaugural Meeting

- 4.1 Following a general local election, the first Council meeting must be held on the first Tuesday in November in accordance with Section 124(2)(g) of the *Community Charter* in the year of the election. Such a meeting may be conducted in other than the municipal council chambers as long as notice of such location is posted at the Public Notice Posting Places.
- 4.2 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.

### 5. Time and location of meetings

- 5.1 All Council meetings, after the statutory meeting of the Council, must take place within the Municipal Council Chambers except when Council resolves to hold meetings elsewhere and in such instances a notice of the change must be posted at the Public Notice Posting Places.
- 5.2 Regular Council meetings must:
  - (a) be held on the fourth Tuesday of each month, and



- (b) begin at 6:00 p.m.;
- (c) be adjourned at 8:30 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 27 of this bylaw; and
- (d) when such meeting falls on a statutory holiday, be held on the next day the Town municipal office is open.

5.3 Regular Council meetings may:

- (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; or
- (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice; or
- (c) occur as given in a schedule of the dates, times, and places approved by a resolution of Council.

## 6. Notice of Council Meetings

6.1 As required under Section 127 of the *Community Charter*, Council must prepare at least once a year, a schedule of the dates, times and places of regular Council meetings. It must make the schedule available to the public by posting it at the Public Notice Posting Places and by publishing it in accordance with Section 94 of the *Community Charter*.

6.2 Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

## 7. Notice of Special meetings

7.1 Except where notice of a special meeting is waived by unanimous vote of all council members under Section 127(4) of the *Community Charter* a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:

- (a) posting a copy of the notice at each of the Public Notice Posting Places, and
- (b) leaving one copy of the notice for each Council member in the Council member's mailbox at the Town Office.

7.2 The notice under subsection 7.1 must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

## 8. Electronic Meetings

8.1 Provided the conditions set out in subsection 128(2) of the *Community Charter* are met a regular meeting, special meeting or a council committee meeting may allow participation by visual and audio or audio electronic or other communication facilities if a member of Council or a Council Committee member is unable to attend in person.

8.2 Except for any part of the meeting that is closed to the public, there must be provision made for the public present at a meeting to hear, or watch and hear, the participation of the member who is unable to attend the meeting in person;



- 8.3 The member presiding at a regular or special meeting or council committee meeting cannot participate electronically; and
- 8.4 Not more than 2 members of council at any one time may participate at council, special or council committee meeting under section 8.1.

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

- 9.1 Council must designate a Councillor to serve as the member responsible for acting in the place of the Mayor when the Mayor or the Deputy Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- 9.2 The Deputy Mayor must fulfill the responsibilities of the Mayor in his or her absence.
- 9.3 If both the Mayor and the Deputy Mayor are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- 9.4 The member chosen under section 9.3 has the same powers and duties as the Mayor in relation to the applicable matters.

### **PART 4 – COUNCIL PROCEEDINGS**

#### **10. Community Charter Provisions**

- 10.1 Matters pertaining to Council proceedings are governed by the Community Charter including those provisions found in Division 3 of Part 4 [Open Meetings] and Division 2 of Part 5 [*Council Proceedings*].

#### **11. Attendance of Public at Meetings**

- 11.1 Except where the provisions of Section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- 11.2 Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter* which requires Council to state:
  - (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.
- 11.3 This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter*, including without limitation:
  - (a) Committee of the Whole,
  - (b) standing and select committees,
  - (c) parcel tax review panel,
  - (d) board of variance,
  - (e) advisory bodies such as advisory planning commission
- 11.4 Despite section 11.1, the Mayor, the Deputy Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 9 may expel or exclude from a Council meeting a person in accordance with section 21.8.



**12. 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.

12.2 Subject to subsection 11.3 and in accordance with Section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at Town Office during its regular office hours.

12.3 Subsection 12.2 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* and were closed to the public.

**13. 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 designated Deputy Mayor must take the Chair and call such meeting to order.

13.2 If a quorum of Council is present but the Mayor or the Deputy Mayor designated as the member responsible for acting in the place of the Mayor 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.

**14. Adjourning meeting where no quorum**

14.1 If there is no quorum of Council present within 30 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.

**15. 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.

15.2 The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda is no later than 4.30 p.m. on the Thursday prior to the meeting. This would include requests to appear before Council.

15.3 The Corporate Officer must make the agenda available to the members of Council and the public on the Friday afternoon prior to the meeting.

15.4 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.



## 16. Order of Proceedings and Business

16.1 The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:

- (a) Call to Order;
- (b) Introduction of late items;
- (c) Approval of Agenda;
- (d) Adoption of minutes;
- (e) Business Arising and Unfinished Business;
- (f) Delegations and Representations;
- (g) Verbal Comment from the Public on a Subsequent Item on the Agenda;
- (h) Correspondence (Action and Information or Consent Items);
- (i) Council and Committee Reports;
- (j) Other Reports;
- (k) Staff Reports;
- (l) Bylaws;
- (m) New Business;
- (n) Mayor's Report;
- (o) Notices of Motion;
- (p) Question Period – limited to the business conducted at the meeting;
- (q) Adjournment.

16.2 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.

16.3 The following guidelines apply to the *Verbal Comment from Public on a Subsequent Agenda Item* for all Council Meetings, including all Council Committee Meetings:

- Maximum time allowed is fifteen minutes;
- A speaker is limited to a maximum of 3 minutes;
- A speaker may only speak once during the Public Input Period;
- A speaker must restrict their remarks to items that are listed on the open meeting agenda (excluding bylaws and matters which are or have been the subject of a Public Hearing); and
- A speaker must avoid personal references; insinuations; or make offensive, or disrespectful remarks about another person; and offensive language is not permitted.

16.4 The following guidelines apply to the *Question Period* for all Council Meetings, including all Council Committee Meetings:

- Maximum time of Question Period is fifteen minutes at the end of the meeting;
- Each person appearing before Council is limited to one question per person until all persons have had an opportunity, then if there is remaining time, a questioner who has already spoken can ask one additional question plus a follow-up question related to the answer;



- Questions must be truly questions and not statements of opinions and must be limited to the business conducted at the meeting. Questioners are not permitted to make a speech;
- Questions should stay within a time frame of 3 minutes, which includes time for a response from the Council;
- Questions will not be permitted on items on the agenda referred from a concluded Public Hearing;
- Those appearing before Council must state their full name and street address;
- Questions must be truly questions and not statements of opinions. Questioners are not permitted to make a speech or make derogatory remarks; and
- Those appearing before Council should direct their questions to the Mayor or Chair.

## 17. Late Items

- 17.1 An item of business not included on the Agenda must not be considered at a Council meeting unless Council approves introduction of the late item at the time allocated on the Agenda for such matters.
- 17.2 If the Council makes a resolution under section 17(1), information pertaining to late items must be distributed to the members.

## 18. 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 by stating:  
"Those in favour." and then "Those opposed ";
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
    - (i) cross or leave the room,
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
  - (d) after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
  - (e) the presiding member's decision about whether a question has been finally put is conclusive; and
  - (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand at the Council meeting; and



- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;

## 19. Delegations

- 19.1 Notwithstanding section 15(2), the Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application on a prescribed form has been received by the Corporate Officer by 12.00 p.m. on the day of the meeting. Each address must be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- 19.2 Where written application has not been received by the Corporate Officer as prescribed in section 19(1) has not received application, an individual or delegation may address the meeting if approval by the unanimous vote of the members present is given.
- 19.3 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.
- 19.4 The Corporate Officer may schedule delegations to another Council meeting or  
  
advisory body as deemed appropriate according to the subject matter of the delegation.
- 19.5 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.
- 19.6 No more than two (2) delegations may be heard at a Regular Meeting of Council,

## 20. Points of Order

- 20.1 Without limiting the presiding member's duty under section 132(1) of 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.
- 20.2 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.



**21. Conduct and debate**

- 21.1 A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- 21.2 Members must address the presiding member by that person's title of Mayor, Deputy Mayor, or Councillor.
- 21.3 Members must address other non-presiding members by the title Councillor.
- 21.4 No member must interrupt a member who is speaking except to raise a point of order.
- 21.5 If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- 21.6 Members who are called to order by the presiding member
- (a) must immediately stop speaking,
  - (b) may explain their position on the point of order, and
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- 21.7 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.
- 21.8 If a member does not adhere to subsection 21.7, the presiding member may order the member to leave the member's seat, and
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- 21.9 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.
- 21.10 The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of Council, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;



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

## **22. Motions generally**

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

## **23. Motion to commit**

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

## **24. Motion for the main question**

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



**25. Amendments generally**

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

**26. Reconsideration Required by Mayor**

- 26.1 Subject to subsection (5), a Council member may, at the request of the Mayor at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- 26.2 A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- 26.3 Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- 26.4 A vote to reconsider must not be reconsidered.
- 26.5 Council may only reconsider a matter that has not
- (a) had the approval or assent of the electors and been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter* where the mayor may require Council reconsideration of a matter,
  - (c) been acted on by an officer, employee, or agent of the Town.
- 26.6 The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.



26.7 A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or Section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

## **27. Privilege**

27.1 In this section, a matter of privilege refers to any of the following motions:

- (a) fix the time to adjourn;
- (b) adjourn;
- (c) recess;
- (d) raise a question of privilege of the Council;
- (e) raise a question of privilege of a member of Council.

27.2 A matter of privilege must be immediately considered when it arises at a Council meeting.

27.3 For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

## **28. Reports from committees**

28.1 Council may take any of the following actions in connection with a resolution it receives from the Committee of the Whole:

- (a) agree or disagree with the resolution;
- (b) amend the resolution;
- (c) refer the resolution back to the Committee of the Whole;
- (d) postpone its consideration of the resolution.

## **29. Adjournment**

29.1 A Council may continue a Council meeting after 8.30 p.m. only by an affirmative vote of the Council members present.

29.2 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.

29.3 Subsection (2) does not apply to either of the following motions:

- (a) a motion to adjourn to a specific day;
- (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 5 – BYLAWS**

### **30. Copies of proposed bylaws to Council members**

30.1 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.

### **31. Form of bylaws**



31.1 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;

**32. Bylaws to be considered separately or jointly**

32.1 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.

**33. Reading and adopting bylaws**

33.1 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;

33.2 The readings of the bylaw may be given by stating its title and object.

33.3 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.

33.4 Each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.

33.5 In accordance with section 135 of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting.

33.6 Despite section 135(3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

**34. Bylaws must be signed**

34.1 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 Town's records for safekeeping after it has been properly executed.

**PART 6 - COMMITTEE OF THE WHOLE**

**35. Going into Committee of the Whole**

35.1 At any time during a council meeting, Council may by resolution go into Committee of the Whole.

35.2 In addition to subsection 32.1, a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider



but not to decide on matters of the Town's business, is a meeting of Committee of the Whole.

**36. Notice for Committee of the Whole meetings**

36.1 Subject to subsection (1) a notice of the day, hour and place of a Committee of the Whole meeting must be given at least 24 hours before the time of the meeting by:

- (a) posting a copy of the notice at the Public Notice Posting Places; and
- (b) leaving a copy of the notice for each Council member in the Council member's mailbox at Town Office.

36.2 Subsection 33.1 does not apply to a Committee of the Whole meeting that is called, in accordance with section 34, during a Council meeting for which public notice has been given under section 6 or 7.

**37. Minutes of Committee of the Whole meetings to be maintained and available to public**

37.1 Minutes of the proceedings of the Committee of the Whole 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*.

**38. Presiding members at Committee of the Whole meetings and Quorum**

38.1 In the absence of the Mayor, any Council member may preside in Committee of the Whole.

38.2 Where (1) applies, the members of Council attending a meeting of Committee of the Whole must appoint a presiding member for the Committee meeting.

38.3 The quorum of Committee of the Whole is the majority of Council members.

**39. Points of order at meetings**

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

**40. Conduct and debate**

36.1 The following rules apply to Committee of the Whole meetings:

- (a) a motion must be made and then seconded by another;
- (b) a motion for adjournment is not allowed;
- (c) a member may speak any number of times on the same question;
- (d) a member must not speak longer than a total of 10 minutes on any one question.



**41. Voting at meetings**

41.1 Votes at a Committee of the Whole meeting must be taken by a show of hands.

41.2 The presiding member must declare the results of voting.

**42. Reports**

42.1 Committee of the Whole may consider reports and bylaws only if

- (a) they are printed and the members each have a copy, or
- (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.

42.2 A motion for the Committee of the Whole to rise and report to Council must be decided without debate.

42.3 The Corporate Officer must present the Committee of the Whole's reports to Council.

**43. Rising without reporting**

43.1 A motion made at a Committee of the Whole meeting to rise without reporting

- (a) is always in order and takes precedence over all other motions,
- (b) may be debated, and
- (c) may not be addressed more than once by any one member.

43.2 If a motion to rise without reporting is adopted by Committee of the Whole at a meeting constituted under section 38(1), the Council meeting must resume and proceed to the next order of business.

**PART 7 – COMMITTEES****44. Duties of Standing Committees**

44.1 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.

44.2 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.



**45. Duties of Select Committees**

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

**46. Schedule of Committee meetings**

- 46.1 At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.
- 46.2 The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

**47. Notice of Committee meetings**

- 47.1 Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
  - (b) providing a copy of the schedule to each member of the committee.
- 47.2 Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- 47.3 The chair of a committee must cause a notice of the day, time and place of a meeting called under section 49(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

**48. Attendance at Committee meetings**

- 48.1 Council members who are not members of a committee may attend the meetings of the committee.

**49. Minutes of Committee meetings to be maintained and available to public**

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

**50. Quorum**

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

**51. Conduct and debate**

- 51.1 The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.



51.2 Council members attending a meeting of a committee, of which they are not a member may participate in the discussion only with the permission of a majority of the committee members present.

## 52. Voting at meetings

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

## PART 8 – GENERAL

**53.** 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.

**54.** This bylaw may not be amended or repealed and substituted unless Council first gives public notice in accordance with section 94 of the *Community Charter*.

**55.** Those upon adoption of the bylaw, Bylaw No. 931-2013 being the “Town of Lake Cowichan Procedure Bylaw” and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 22<sup>nd</sup> of May, 2018.

READ A SECOND TIME on the 22<sup>nd</sup> of May, 2018.

READ A THIRD TIME on the 24<sup>th</sup> day of July, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 28<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
Ross Forrest

Mayor

\_\_\_\_\_  
Joseph A. Fernandez

Corporate Officer

