

**TOWN OF LAKE COWICHAN  
BYLAW NO. 1093-2023**

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

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**TOWN OF LAKE COWICHAN  
BYLAW NO. 1093-2023****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 enacts as follows:

**PART 1 – INTRODUCTION****1. Title**

- 1.1 This Bylaw may be cited as the “Town of Lake Cowichan Council Procedure Bylaw No. 1093-2023”.

**2. Definitions**

In this Bylaw,

**CHAIR** means the Mayor, Deputy Mayor, or presiding officer appointed under the *Community Charter* or this bylaw, who is chairing a meeting;

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

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

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

**COUNCILLOR** means a person elected and holding the office of Councillor with the Town of Lake Cowichan;

**COMMITTEE OF THE WHOLE** means a committee comprised of all Council members that provides preliminary consideration of matters and makes recommendations to Council;



**DELEGATION** means an individual or group appearing before Council to present information or make a request of Council;

**ELECTRONIC MEETING** means a special Council meeting, regular Council meeting or standing Committee meeting at which some or all of the Council members participate by means of electronic or other communication facilities;

**IN-CAMERA MEETING** means a meeting or part thereof that is closed to the public to consider matters in accordance with Section 90 of the *Community Charter*;

**IMPROPER CONDUCT** means to:

- (i) use or promote the use of expressions that are obscene, promotes hatred or violence, or is defamatory; or
- (ii) refuse to follow the directions of the Chair;

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

**PUBLIC NOTICE POSTING PLACES** means the notice board at the Town Office and *the Town Website* 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 WEBSITE** 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. Table of Contents

The table of contents for this bylaw is for reference only and is not for assistance in interpreting or enforcing this bylaw.

### 4. Application of Rules of Procedure

4.1 The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole and all standing and select Committees of Council, as may be applicable.

4.2 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:

- (i) applicable in the circumstances, and
- (ii) not inconsistent with the provisions of this Bylaw or the *Community Charter*.



- 4.3 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 suspended by unanimous vote of the members present.

## PART 2 – COUNCIL MEETINGS

### 5. Inaugural Meeting

- 5.1 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.
- 5.2 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.

### 6. Time and location of meetings

- 6.1 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 or as provided in section 9 of this bylaw and in such instances a notice of the change must be posted at the Public Notice Posting Places.
- 6.2 Regular Council meetings must:
- (i) be held on the fourth Tuesday of each month, and
  - (ii) begin at 6:00 pm or soon after the adjournment of a Public Hearing, where applicable;
  - (iii) be adjourned at 8:30 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 31 of this bylaw;
  - (iv) when such meeting falls on a statutory holiday, be held on the next day the Town municipal office is open following the statutory holiday;
- 6.3 Regular Council meetings may:
- (v) be cancelled by Council by an affirmative vote of the majority of the Council members present, provided that two consecutive meetings are not cancelled; or
  - (vi) 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
  - (vii) occur as given in a schedule of the dates, times, and places approved by a resolution of Council.

### 7. Notice of Council Meetings

- 7.1 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*.
- 7.2 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.



**8. Notice of Special meetings**

- 8.1 Except where notice of a special meeting is waived by unanimous vote of all Council members under Section 127(4) of the *Community Charter* 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:
- (i) posting a copy of the notice at each of the Public Notice Posting Places,
  - (ii) leaving one copy of the notice for each Council member in the Council member's mailbox at the Town Office, and
  - (iii) email to each member of Council.
- 8.2 The notice under subsection 8.1 must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

**9. Electronic Meetings**

- 9.1 The Community Charter hereby authorizes Council to conduct or direct regular, special, Committee and advisory body meetings to be held by means of electronic or other communication facilities.
- 9.2 A meeting may only be conducted by means of electronic or other communication facilities where prior public notice by posting the notice on the public notice posting places at least 48 hours in advance of the meeting. has been given and the notice must include how the public may hear or watch and hear the proceedings.
- 9.3 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.
- 9.4 Public Hearings may be held in person or electronically, in whole or in part, at the discretion of the Corporate Officer.
- 9.5 The Corporate Officer may make opportunity for persons or their representatives who believe their interest in a property may be affected by a proposed or existing Bylaw, to be heard, or be seen and heard, by means of electronic or other communication facilities.
- 9.6 This section does not apply if:
- (i) the meeting is an inaugural meeting of Council, or
  - (ii) the member is the presiding member.

**PART 3 - DESIGNATION OF DEPUTY MAYOR****10. Designation of Member to Act in place of Mayor**

- 10.1 Council must designate a Councillor to serve as the Deputy Mayor who acts 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.
- 10.2 Council will designate the Deputy Mayor who must fulfill the responsibilities of the Mayor in his or her absence.
- 10.3 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.



- 10.4 The member chosen under section 10.3 has the same powers and duties as the Mayor in relation to the applicable matter.

#### PART 4 – COUNCIL PROCEEDINGS

##### 11. Community Charter Provisions

- 11.1 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*].

##### 12. Attendance at Public Meetings

- 12.1 Except where the provisions of Section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- 12.2 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:
- (i) the fact that the meeting or part is to be closed, and
  - (ii) the basis under the applicable subsection of Section 90 on which the meeting or part is to be closed.
- 12.3 This section applies to all meetings of the bodies referred to in Section 93 [application of rules to other bodies] of the *Community Charter*.
- 12.4 The Mayor, the Deputy Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 may expel or exclude from a Council meeting a person in accordance with section 23.8.

##### 13. Minutes of meetings to be maintained and available to public

- 13.1 Minutes of the proceedings of Council must be:
- (i) legibly recorded,
  - (ii) certified as correct by the Corporate Officer, and
  - (iii) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- 13.2 Subject to subsection 12.3 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 the Town Office during its regular office hours.
- 13.2 Subsection 13.2 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.

##### 14. Calling meeting to order

- 14.1 As soon after the time specified for a Council meeting as there is a quorum present, the Mayor or the designated Deputy Mayor must take the Chair and call the meeting to order.
- 14.2 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:



- (i) the Corporate Officer must call to order the members present, and
- (ii) the members present must choose a member to preside at the meeting.

#### **15. Adjourning meeting where no quorum**

15.1 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
- (ii) adjourn the meeting until the next scheduled meeting.

#### **16. Council Agenda**

16.1 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.

16.2 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 pm on the Thursday prior to the meeting. This would include requests to appear as delegation before the Council.

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

16.4 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 18.

#### **17. Order of Council proceedings and business**

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

- (i) Call to Order;
- (ii) Introduction of late items;
- (iii) Approval of agenda;
- (iv) Public input on agenda items;
- (v) Adoption of minutes;
- (vi) Business Arising and Unfinished Business;
- (vii) Delegations and Representations;
- (viii) Correspondence (Action and Information or Consent Items);
- (ix) Council and Committee Reports;
- (x) Other Reports;
- (xi) Staff Reports;
- (xii) Bylaws;
- (xiii) New Business;
- (xiv) Mayor's Report;
- (xv) Notice of Motion;
- (xvi) Question Period – limited to the business conducted at the meeting;
- (xvii) In-camera (if applicable);
- (xviii) Adjournment.

17.2 The following guidelines apply to the Verbal Comment from Public on a Subsequent Agenda Item for all Council Meetings, including Committee of the Whole 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.

17.3 The following guidelines apply to the *Question Period* for all Council Meetings, including all Committee of the Whole 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 person 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 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.

17.4 Any delegation wishes to appear before the Council, the convener of the delegation must fill out a 'Delegation Application' form, or, provide a letter to the Corporate Officer which contains:

- (i) full particulars of the subject matter to be submitted to Council;
- (ii) the proposed action, which is within the authority of the Town which the delegation wishes the Town to take in response to the submission;
- (iii) the names and addresses of the persons or the organization comprising the delegation.

17.5 Where there is a need for an in-camera meeting that is subject to the requirements under section 90 of the Community Charter the agenda shall include the following:

- (i) resolution to close the meeting to the public;
- (ii) approval of an in-camera meeting agenda;
- (iii) adoption of in-camera meeting minutes;
- (iv) in-camera meeting items;
- (v) rise and report.

17.6 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.

## 18. Late Items

18.1 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.

18.2 If the Council makes a resolution under section 18.1, information pertaining to late items must be distributed to the members.

## 19. Voting at Council meetings

19.1 The following procedures apply to voting at Council meetings:



- (i) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
- (ii) 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 ";
- (iii) when the presiding member is putting the matter to a vote under paragraphs (i) and (ii) a member must not
  - (a) cross or leave the room,
  - (b) make a noise or other disturbance, or
  - (c) interrupt the voting procedure under paragraph (ii) unless the interrupting member is raising a point of order;
- (vi) after the presiding member finally puts the question to a vote under paragraph (ii), a member must not speak to the question or make a motion concerning it;
- (vii) the presiding member's decision about whether a question has been finally put is conclusive;
- (viii) 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;
- (ix) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;
- (x) the presiding member must state the name of each member who voted in the negative; and
- (xi) A negative vote must be recorded in the minutes of the Council meeting.

## 20. Delegations

- 20.1 Notwithstanding subsection 16.2, and subject to subsection 20.6 a delegation may as an individual or a delegation address Council at the meeting with the permission of the Mayor or Council. Each address must be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- 20.2 Where written application has not been received by the Corporate Officer as prescribed in section 16.2, an individual or delegation may subject to subsection 20.6, address the meeting if approval by the unanimous vote of the members present is given.
- 20.3 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.
- 20.4 The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- 20.5 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.
- 20.6 No more than two (2) delegations may be heard at a Regular Meeting of Council.



**21. Notice of Motion**

- 21.1 Any member who during a meeting wishes to bring before Council any new matter, other than a point of order or of privilege, shall do so by way of a motion.
- 21.2 If any member present at the time such motion is presented, and before debate thereon, calls for notice of motion, then the motion shall be placed on the agenda of the next regular Council meeting.
- 21.3 Any member may give notice of a motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer during a meeting of Council and upon it being acknowledged by the Mayor, it shall appear in the minutes of that meeting as notice of motion and be placed on the agenda of the next regular Council meeting.

**22. Points of Order**

- 22.1 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
- (i) if the motion is contrary to the rules of procedure in this bylaw, and
  - (ii) whether or not another Council member has raised a point of order in connection with the motion.
- 22.2 When the presiding member is required to decide a point of order
- (i) the presiding member must cite the applicable rule or authority if requested by another Council member,
  - (ii) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(i), and
  - (iii) the presiding member may reserve the decision until the next Council meeting.

**23. Conduct and debate**

- 23.1 A Council member must wait for recognition from the Chair before speaking.
- 23.2 A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- 23.3 Members must address the presiding member by that person's title of Mayor, Deputy Mayor, or Councillor.
- 23.4 Members must address other non-presiding members by the title Councillor.
- 23.5 No member must disturb or interrupt a member who is speaking except to raise a point of order.
- 23.6 If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- 23.7 Council members who are called to order by the presiding member
- (i) must immediately stop speaking,
  - (ii) may explain their position on the point of order, and
  - (iii) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.



### 23.8 Council members

- (i) must use respectful language,
- (ii) must not use offensive gestures or signs, express any opinion or make any allegation that directly or indirectly impugns the character of any person or group of persons;
- (iii) must speak only in connection with the matter being debated,
- (iv) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded,
- (v) 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,
- (vi) must not question the motives of a Council member,
- (vii) must not speak disrespectfully to another Council member, an official of the Town or member of the public;
- (viii) must not carry on a private conversation when a Council member has the floor;

23.9 If a member does not adhere to subsection (vii), the presiding member may order the member to leave the member's seat, and

- (i) 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
- (ii) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.

23.10 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.

23.11 The following rules apply to limit speech on matters being considered at a Council meeting:

- (i) a member may speak more than once in connection with the same question only
  - (a) with the permission of Council, or
  - (b) if the member is explaining a material part of a previous speech without introducing a new matter;
- (ii) a member who has made a substantive motion to the Council may reply to the debate;
- (iii) a member who has moved an amendment, the previous question, or an instruction to a Committee may not reply to the debate;
- (iv) 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.

## 24. Motions generally

24.1 Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.

24.2 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.



24.3 A Council member may make only the following motions when the Council is considering a question:

- (i) to refer to Committee;
- (ii) to amend;
- (iii) to lay on the table;
- (iv) to postpone indefinitely;
- (v) to postpone to a certain time;
- (vi) to move the previous question;
- (vii) to adjourn.

24.4 A motion made under subsections (3)(iii) to (vii) is not amendable or debatable.

24.5 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.

## **25. Motion to commit**

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

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

26.1 In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.

26.2 At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:

- (i) 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
- (ii) 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.

## **27. Amendments generally**

27.1 A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.

27.2 An amendment may propose removing, substituting for, or adding to the words of an original motion.

27.3 The mover must reproduce a proposed amendment in writing if requested by the presiding member.

27.4 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.

27.5 An amendment may be amended once only.

27.6 An amendment that has been negated by a vote of Council cannot be proposed again.



- 27.7 A Council member may propose an amendment to an adopted amendment.
- 27.8 The presiding member must put the main question and its amendments in the following order for the vote of Council:
- (i) a motion to amend a motion amending the main question;
  - (ii) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (i) is positive;
  - (iii) the main question.

## **28. Reconsideration by Mayor or Councillor**

- 28.1 In addition to the Mayor's power to direct reconsideration under section 131 [mayor may require reconsideration] of the Community Charter, a Council member who voted with the prevailing side may, within 30 days of the original vote,
- (i) move to reconsider a resolution adopted or defeated by Council, or
  - (ii) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- 28.2 Despite subsection (1), a resolution must not be reconsidered under this section if it has
- (i) had the approval or assent of the electors and been adopted,
  - (ii) been reconsidered under subsection (1) or section 131 of the Community Charter, or
  - (iii) been acted on by an officer, employee, or agent of the Town.
- 28.3 For certainty, each resolution or reading of a bylaw may be reconsidered under this section.
- 28.4 Despite subsection (3), resolutions for final adoption of an official community plan bylaw or zoning bylaw must not be reconsidered.
- 28.5 Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- 28.6 A vote to reconsider must not be reconsidered.
- 28.7 A voting requirement that applied to the adoption of the original resolution or bylaw applies to its reconsideration under this section.
- 28.8 An adopted bylaw or resolution that is reaffirmed under this section or section 131 of the Community Charter is as valid and has the same effect as it had before reconsideration.
- 28.9 An adopted bylaw or resolution that is not reaffirmed under subsection (1) or section 131 of the Community Charter is of no effect and is deemed to be repealed.

## **29. Privilege**

- 29.1 In this section, a matter of privilege refers to any of the following motions:
- (i) fix the time to adjourn;
  - (ii) adjourn;
  - (iii) recess;
  - (iv) raise a question of privilege.
- 29.2 A matter of privilege must be immediately considered when it arises at a Council meeting.



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

### **30. Reports from Committees**

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

- (i) agree or disagree with the resolution;
- (ii) amend the resolution;
- (iii) refer the resolution back to the Committee of the Whole;
- (iv) postpone its consideration of the resolution.

### **31. Adjournment**

31.1 A Council may continue a Council meeting after 8.30 pm.

- (i) only by an affirmative vote of two thirds of the Council members present; or
- (ii) by resolution adjourn any meeting to a date, time and location specified in the resolution.

## **PART 5 – BYLAWS**

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

32.1 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.

### **33. Form of bylaws**

33.1 A bylaw introduced at a Council meeting must:

- (i) be printed;
- (ii) have a distinguishing name;
- (iii) have a distinguishing number;
- (iv) contain an introductory statement of purpose;
- (v) be divided into sections;

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

34.1 Council must consider a proposed bylaw at a Council meeting either:

- (i) separately when directed by the presiding member or requested by another Council member, or
- (ii) jointly with other proposed bylaws in the sequence determined by the presiding member.



**35. Reading and adopting bylaws**

35.1 The presiding member of a Council meeting may

- (i) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
- (ii) request a motion that the proposed bylaw or group of bylaws be read.

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

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

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

35.5 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.

35.6 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.

**36. Bylaws must be signed**

36.1 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****37. Notice for Committee of the Whole meetings**

37.1 A meeting, other than a standing or select Committee, 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 the Committee of the Whole. In addition to the scheduled meetings for the Committee of the Whole, Council may at any time during a Council meeting, Council may, by resolution, go into a Committee of the Whole.

**38. Time and location of the Whole meetings**

38.1 All Committee of the Whole meetings must take place within the Municipal Hall except where Council or the Committee of the Whole has resolved to hold meetings elsewhere.

38.2 Regular Committee of the Whole meetings must be held on the second Tuesday of each month at 5:00 p.m., unless resolved by the Committee of the Whole to be held on a different date or time, and subject to subsection 38.4.

38.3 When a regular Committee of the Whole meeting falls on a statutory holiday, the meeting must be held on the next the Municipal Hall is open following the statutory holiday.

38.4 The Mayor may postpone or cancel a regular Committee of the Whole meeting by giving notice through the Corporate Officer's office at least 2 days before the date for which the meeting is scheduled.

38.5 The Mayor may postpone or cancel a special Committee of the Whole meeting by giving notice through the Corporate Officer's office at least 2 hours before the time for which the special meeting is scheduled.



38.6 Notwithstanding subsection (2), regular Committee of the Whole meetings may begin at 5:00 pm if any part of the meeting is closed to the public in accordance with section 90 of the Community Charter, and provided that the portion of the regular Committee of the Whole meeting that is open to the public begins at the time specified under subsection 38.2.

38.7 Regular Committee of the Whole meetings must be adjourned no later than 2.5 hours after the meeting begins, unless the Committee of the Whole resolves to proceed beyond that time in accordance with section 34.

38.8 Subsection 38.1 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 7 or 8.

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

39.1 Minutes of the proceedings of the Committee of the Whole must be

- (i) legibly recorded,
- (ii) certified by the Corporate Officer,
- (iii) signed by the member presiding at the meeting, and
- (iv) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

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

40.1 Any Council member may preside over the Committee of the Whole.

40.2 Where (1) applies, the members of Council attending a meeting of Committee of the Whole may from amongst them have a presiding member for the Committee meeting appointed.

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

#### **41. Calling Committee of the Whole to Order**

41.1 The rules for calling a Council meeting to order under section 14 shall apply to the Committee of the Whole meetings.

#### **42. Adjournment with no quorum**

42.1 The rules for adjourning a Council meeting where there is no quorum present under section 15 shall apply to Committee of the Whole meetings.

42.2 The rules for the preparation of an agenda for a Council meeting under section 15 shall apply to the Committee of the Whole meetings.

#### **43. Order of Committee of the Whole proceedings and business**

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

- (i) Call to Order;
- (ii) Introduction of late items;
- (iii) Approval of agenda;
- (iv) Public input on agenda items;
- (v) Committee of the Whole minutes (information);
- (vi) Business Arising and Unfinished Business;



- (vii) Delegations and Representations;
- (viii) Correspondence (Action and Information or Consent Items);
- (ix) Reports by Department;
- (x) Other Reports;
- (xi) Staff Reports;
- (xii) New Business;
- (xiii) Notice of Motion;
- (xiv) Question Period – limited to the business conducted at the meeting;
- (xv) In-camera (if applicable);
- (xvi) Adjournment.

#### **44. Points of order at meetings**

44.1 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.

#### **45. Conduct and debate**

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

- (i) a motion must be made and then seconded by another;
- (ii) a member may speak any number of times on the same question;
- (iii) a member must not speak longer than a total of 10 minutes on any one question.
- (iv) All other rules under section 23 shall apply.

#### **46. Voting at meetings**

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

46.2 The presiding member must declare the results of voting.

#### **47. Reports**

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

- (i) copies are printed or electronically provided to the members each have a copy or decide without debate that the requirements of paragraph (a) do not apply.

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

#### **48 The Chair:**

- (i) maintains a list of Council members who have asked to speak on a matter; and
- (ii) during questions and debate, calls on Council members to speak in the order of the list.

### **PART 7 – COMMITTEES**

#### **49. Duties of Standing Committees**

49.1 Standing Committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:



- (i) matters that are related to the general subject indicated by the name of the Committee;
- (ii) matters that are assigned by Council;
- (iii) matters that are assigned by the Mayor.

49.2 Standing Committees must report and make recommendations to Council at all of the following times:

- (i) in accordance with the schedule of the Committee's meetings;
- (ii) on matters that are assigned by Council or the Mayor,
  - (a) as required by Council or the Mayor, or
  - (b) at the next Council meeting if the Council or Mayor does not specify a time.

## **50. Duties of Select Committees**

50.1 Select Committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the Committee by the Council.

50.2 Select Committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

## **51. Schedule of Committee meetings**

51.1 At its first meeting after its establishment a standing or select Committee must establish a regular schedule of meetings.

51.2 The chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

## **52. Notice of Committee meetings**

52.1 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:

- (i) posting a copy of the schedule at the Public Notice Posting Places; and
- (ii) providing a copy of the schedule to each member of the Committee.

52.2 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.

52.3 The chair of a Committee must cause a notice of the day, time and place of a meeting called under section 52.2 to be given to all members of the Committee at least 12 hours before the time of the meeting.

## **53. Attendance at Committee meetings**

53.1 Council members who are not members of a Committee may attend the meetings of the Committee.



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

54.1 Minutes of the proceedings of a Committee must be

- (iii) legibly recorded,
- (iv) certified by the Corporate Officer, and
- (v) signed by the chair or member presiding at the meeting, and
- (vi) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

**55. Quorum**

55.1 The quorum for any Committee is a majority of all of its members.

**56. Conduct and debate**

56.1 The rules of conduct of the Council procedure bylaw must be observed during Committee meetings, so far as is possible unless as otherwise provided in this Bylaw.

56.2 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.

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

**PART 8 – PUBLIC HEARINGS****57. Opportunity to be Heard**

57.1 All persons who believe their interest in property is affected by the proposed Bylaw shall be afforded an opportunity to be heard in person or by a representative in matters contained in the Bylaw after first identifying themselves by stating their name and address and the name and address of the person or persons they represent.

57.2 The Corporate Officer may make opportunity for persons who believe their interest in property is affected by the proposed Bylaw, or their representative, to be heard, or seen and heard, by means of electronic or other communication facilities.

57.3 That the Hearing may be held in person or electronically, in whole or in part, at the discretion of the Corporate Officer.

**58. Procedures**

58.1 A public hearing shall only be scheduled where the Corporate Officer has given notice in accordance with section 466(1) of the *Local Government Act*

58.2 Public Hearings shall be held on the Fourth Tuesday of each month at 6:00 pm, unless otherwise resolved by Council.

58.3 Only a Council member may put a question to a person who speaks.

58.4 No person may make a reply, rebuttal, or further submission without the presiding member's permission.



**59. Order of Public Hearing proceedings and business**

59.1 The agenda for public hearings must include, as applicable and in the order in which they are listed below, the following matters:

- (i) Call meeting to order
  - (a) Call Public Hearing to order,
  - (b) Introduction of Bylaw,
  - (c) Explanation of the Public Hearing process,
  - (d) Acceptance of petitions and late correspondences,
  - (e) Reason for Public Hearing,
  - (f) Summary of correspondence(s),
  - (g) Presentation by proponent,
  - (h) Input from the public, and
  - (i) Close of public hearing.
- (ii) Bylaw is referred to Council.
- (iii) Adjournment.

**PART 9 – GENERAL**

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.

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*.

Those upon adoption of this bylaw, the “Town of Lake Cowichan Procedure Bylaw 1062-2021” and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 25<sup>th</sup> day of July, 2023.

READ A SECOND TIME on the on the 25<sup>th</sup> day of July, 2023.

READ A THIRD TIME on the on the 25<sup>th</sup> day of July, 2023.

Advertised in the Lake Cowichan Gazette on September 14<sup>th</sup>, 2023 and September 21<sup>st</sup>, 2023 and the Public Posting Places on September 13<sup>th</sup>, 2023.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Tim McGonigle  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer

