



Council Procedure Bylaw No. 834, 2020

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**VILLAGE OF ASHCROFT**

**BYLAW NO. 834, 2020**

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**A BYLAW TO ESTABLISH THE GENERAL PROCEDURES TO BE FOLLOWED  
BY COUNCIL AND COUNCIL COMMITTEES IN CONDUCTING THEIR BUSINESS**

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NOW THEREFORE the Council of the Village of Ashcroft ENACTS AS FOLLOWS

**PART 1 – INTRODUCTION**

**Title**

- 1 This Bylaw may be cited as the “THE VILLAGE OF ASHCROFT COUNCIL PROCEDURE BYLAW NO. 834, 2020”.

**Interpretation**

- 2 (1) In this Bylaw,
  - “**Committee**” means a Standing, Select, or other Committee of Council, but does not include COTW;
  - “**COTW**” means the Committee of the Whole of Council;
  - “**Corporate officer**” means the corporate officer for the Village or their designate;
  - “**Council**” means the Council of the Village of Ashcroft;
  - “**Village**” means the Corporation of the Village of Ashcroft;
  - “**Mayor**” means the Mayor of the Village;
  - “**Village Office**” means Ashcroft Village Office located at 601 Bancroft Street, Ashcroft British Columbia;
  - “**Public notice posting place**” means the notice board at the Village Office and Public Posting board on the exterior of the Village Office.
- (2) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meaning as in the *Community Charter, Local Government Act* and the *Interpretation Act* as the context and circumstances may require.

- (3) A reference to an Act in the Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
- (4) Words in their singular include the plural and words in the plural include the singular
- (5) Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

#### **Application of rules of procedure**

- 3 (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all Standing and Select Committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, apply to the proceedings of Council, COTW, and all Standing and Select Committees of Council 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*.

### **PART 2 – COUNCIL ROLES, RESPONSIBILITIES AND DUTY TO RESPECT CONFIDENTIALITY**

#### **Roles and responsibilities of Council members**

- 4 Every member of Council has the following responsibilities:
  - (a) to consider the well-being and interests of the Village and its community;
  - (b) to contribute to the development and evaluation of the policies and programs of the Village respecting its services and other activities;
  - (c) to participate in Council meetings, Committee meetings and meetings of other bodies to which the member is appointed;
  - (d) to carry out other duties assigned by the Council;
  - (e) to carry out other duties assigned under the *Community Charter, Local Government Act* or any other Act;
  - (f) to foster a positive working environment by treating other elected officials and staff members with mutual respect; and
  - (g) to appreciate diverse opinions brought forward for reflection and consideration.

**Roles and responsibilities of the Mayor**

- 5
- (1) The Mayor is the head and chief executive officer of the Village.
  - (2) In addition to the Mayor's responsibilities as a member of Council, the Mayor has the following responsibilities:
    - (a) to provide leadership to the Council, including by recommending bylaws, resolutions and other measures that, in the Mayor's opinion, may assist the peace, order and good government of the Village;
    - (b) to communicate information to the Council;
    - (c) to preside at Council meetings when in attendance;
    - (d) to provide, on behalf of the Council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the Council;
    - (e) to establish Standing Committees in accordance with the provisions of the *Community Charter* and this Bylaw;
    - (f) to suspend municipal officers and employees in accordance with the *Community Charter*;
    - (g) to reflect the will of Council and to carry out other duties on behalf of the Council;
    - (h) to carry out other duties assigned by the *Community Charter* or any other Act.

**Duty to respect confidentiality**

- 6
- (1) A Council member or former Council member must, unless specifically authorized otherwise by Council,
    - (a) keep in confidence any record held in confidence by the Village, until the record is released to the public as lawfully authorized or required; and
    - (b) keep in confidence information considered in any part of a Council meeting or Council Committee meeting that was lawfully closed to the public, until the Council or the Committee discusses the information at a meeting that is open to the public or releases the information to the public.
  - (2) If the Village suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the Village may recover damages from the person for the loss or damage.

**PART 3 – CONFLICT OF INTEREST**

**Application of this part**

- 7
- This part applies to Council members in relation to:
- (a) Council and COTW meetings;

- (b) Committee meetings; and
- (c) meetings of any other Village body referred to in this bylaw.

**Declaration required**

- 8 If a Council member attending a meeting considers that they are not entitled to participate in the discussion of a matter, or to vote on a motion or question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter or another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.

**Restrictions on participation following the declaration**

- 9 After making a declaration under section 8, the Council member must not:
- (a) remain or attend any part of a meeting referred to in section 7 during which the matter is under consideration;
  - (b) participate in any discussion of the matter at such a meeting;
  - (c) vote on a motion or question in respect of the matter at such a meeting; or
  - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

**Withdrawal of declaration after legal advice**

- 10 (1) As an exception to section 9, if a Council member has made a declaration under section 8 and, after receiving legal advice on the issue, determines that they were wrong respecting their entitlement to participate in respect of the matter, the member may:
- (a) return to the meeting or attend another meeting of the same body;
  - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that they are entitled to participate; and
  - (c) after this, participate and vote in relation to the matter.
- (2) For certainty, a Council member who makes a statement under subsection (1) remains subject to section 13 of this bylaw.

**Member must not be present**

- 11 After making a declaration under section 8, unless a statement is made under section 10, the person presiding at a meeting referred to in section 7 or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.



**Recording of declaration in the minutes**

- 12 When a declaration or a statement is made under section 8 or 10, the person recording the minutes of the meeting must record the member's declaration or statement, the reasons given for it, and the time of the member's departure from the meeting room and, if applicable, of the member's return.

**Restrictions on participation if in conflict whether or not a declaration is made**

- 13 (1) This section applies if a Council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 8.
- (2) The Council member must not:
- (a) remain or attend any part of a meeting referred to in section 7 during which the matter is under consideration;
  - (b) participate in any discussion of the matter at such a meeting;
  - (c) vote on a motion or question in respect of the matter at such a meeting; or
  - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

**Restrictions on inside influence**

- 14 A Council member must not use their office to attempt to influence in any way a decision, recommendation or other action to be made or taken at a meeting referred to in section 7, by an officer or an employee of the Village, or by a delegate under section 154 [*Delegation of Council authority*] of the *Community Charter*, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

**Restrictions on outside influence**

- 15 In addition to the restrictions in section 14, a Council member must not use their office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

**Exceptions from conflict restrictions**

- 16 (1) Sections 7 to 15 do not apply if one or more of the following circumstances apply:
- (a) the pecuniary interest of the Council member is a pecuniary interest in common with the electors of the Village generally;
  - (b) in the case of a matter that relates to a local service, the pecuniary interest of the Council member is in common with other persons who are or would be liable for the local service tax;
  - (c) the matter relates to remuneration, expenses or benefits payable to one or more Council members in relation to their duties as Council members;

- (d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter; or
  - (e) the pecuniary interest is of a nature prescribed by regulation.
- (2) Despite sections 7 to 15, if a Council member has a legal right to be heard in respect of a matter or to make representations to Council and is restricted by one or more of those sections from exercising that right in relation to the matter, the Council member may appoint another person as a representative to exercise the member's right on their behalf.

**Disclosure of contracts with Council members and former Council members**

- 17 (1) If the Village enters into a contract in which a Council member or a person who was a Council member at any time during the previous six (6) months, has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a Council meeting that is open to the public.
- (2) In addition to the obligation under sections 8 to 12, a Council member or former Council member must advise the Corporate Officer, as soon as is reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.

**Restrictions on use of insider information**

- 18 A Council member or former Council member must not use information or a record that was obtained in the performance of the member's office, and is not available to the general public, for the purpose of gaining or furthering a direct or indirect pecuniary interest of the Council member or former Council member.

**Disqualification from holding office**

- 19 A Council member who contravenes sections 13, 14, 15, 16 or 18 of this bylaw is disqualified from holding office described in, and for the period established by, section 108.1 [*Disqualification from office for contravening conflict rules*] of the *Community Charter*, unless the contravention was done inadvertently or because of an error in judgement made in good faith.

**PART 4 – COUNCIL MEETINGS**

**Inaugural Meeting**

- 20 (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election.
- (2) If a quorum of Council members elected at the general local election has not taken office by the 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**

- 21 (1) All Council meetings must take place within the Village Office except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings will be held:
- (a) on the second Monday at 4:30 pm and the fourth Monday at 7:00 pm of each month, except:
    - i. the months of July and August, meetings will be held on the fourth Monday of that month at 7:00 pm;
    - ii. the months of September and December, meetings will be held on the second Monday of that month at 4:30 pm;
  - (d) be adjourned at 10:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 46; and
  - (e) when such meeting falls on a statutory holiday, be held on the next day the Village Office is open.
- (3) Regular Council meetings may, by a resolution of Council:
- (a) be cancelled, provided that two consecutive meetings are not cancelled; and;
  - (b) be postponed to a different day, time and place determined by the Mayor, provided the Corporate Officer is provided at least 2 days written notice.
- (4) Other Council meetings:
- (a) Council may choose to host a separate public meeting for the sole purpose of ensuring public process for development of the financial plan. in compliance with the *“Community Charter Section 166, Council must undertake a process of public consultation regarding the proposed financial plan before it is adopted.”*
  - (b) Council may at their discretion host:
    - i. Town Hall Meetings
    - ii. Community Forums
    - iii. Planning Sessions

**Electronic meetings and participation by Council members**

- 22 (1) Provided the conditions set out in section 128(2) [*Electronic meetings and participation by members*] of the *Community Charter* are met, a member of Council who is unable to attend

a Council meeting, COTW or Committee meeting, as applicable, may participate by means of electronic audio or other communication facilities, if

- (a) the reason for the absence is due to a medical leave, or
  - (b) their participation is necessary to preserve quorum.
- (2) The member presiding at a Council meeting, COTW or a Committee meeting must not participate electronically.
- (3) No more than one (1) member of Council, COTW or Committee may participate electronically at any meeting.
- (4) In the event of a declared state of emergency and the public is advised not to congregate by orders of the Federal or Provincial government, Council may restrict public attendance at Council meetings, provided that alternate ways of public participation are established. Agenda's are posted and available to the public, public engagement is permitted via email and telephone and the meeting is broadcast online.
- (5) In the event of a declared state of emergency and if public gatherings are not permitted by orders of the Federal or Provincial government, in the interest of public safety, Council may choose to participate in electronic meetings without the requirement of a quorum at a physical location. Each member of Council may join the meeting electronically to conduct Village business.

#### **Notice of Council meetings**

- 23 (1) In accordance with section 127 [*Notice of Council meetings*] of the *Community Charter*, Council must make available to the public a schedule of the date, time and place of regular Council meetings and give notice of the availability of the schedule in accordance with section 94 [*Public notice*] of the *Community Charter* at least once a year and by posting the schedule at the Public Notice Posting Place and the Village website.
- (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 Place and Village website which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

#### **Notice of Special meetings**

- 24 (1) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) [*Notice of Council meetings*] 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 the Public Notice Posting Place and Village website, and
  - (b) emailing a copy of the notice to each Council member.

- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Corporate Officer.

**PART 5 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 25 (1) Following a general local election, at the first Council meeting of the newly elected Council, Council must designate Councillor's to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) If both the Mayor and the member designated under subsection (1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (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 and must fulfill the responsibilities of the Mayor in his or her absence.

**PART 6 – COUNCIL PROCEEDINGS**

**Community Charter provisions**

- 26 Matters pertaining to Council proceedings are governed by the *Community Charter*.

**Attendance of public at meetings**

- 27 (1) Except where the provisions of section 90 [*Meetings that may or must be closed to the public*] of 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 in accordance with section 92 [*Requirements before meeting is closed*] of the *Community Charter*.
- (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*, including without limitation:
  - (a) COTW;
  - (b) Standing and Select Committees;
  - (c) Parcel Tax Review Panel;
  - (d) Board of Variance;
  - (e) Commission created by Council.
- (4) Despite section 27(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 25 may expel or exclude from a Council,

COTW, or any other Committee meeting, a person in accordance with section 133 [*Expulsion from meetings*] of the *Community Charter*.

**Minutes of meetings to be maintained and available to public**

- 28 (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.
- (2) Subject to subsection (3), and in accordance with section 97(1)(b) [*Other records to which public access must be provided*] of the *Community Charter*, minutes of the proceedings of Council must be available for public inspection at the Village Office during its regular office hours.
- (3) Subsection (2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 [*Meetings that may or must be closed to the public*] of the *Community Charter*.
- (a) Reports and resolutions from Closed meetings will be released to the public as often as possible once confidentiality is no longer required.

**Calling meeting to order**

- 29 (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor must take the Chair and call the 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 25 must take the Chair and call the 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 25 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**

- 30 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.

**Agenda**

- 31 (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 Corporate Officer must make the agenda available to the members of Council on or before the Friday afternoon prior to the meeting.
- (3) The Corporate Officer must make the agenda available to the members of the public on the Friday afternoon 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 33.

**Order of proceedings and business**

- 32 (1) The agenda for all regular Council meetings will contain the following headings:
  - 1. ADOPTION OF THE AGENDA
    - (a) Motions to Add or Delete Agenda Items
    - (b) Approval of the Agenda as Presented or Amended
  - 2. MINUTES
  - 3. DELEGATIONS
  - 4. PUBLIC INPUT
  - 5. BYLAWS
  - 6. STAFF REPORTS
    - (a) Request for Decision
    - (b) For Information
  - 7. CORRESPONDENCE
    - (a) For Action
    - (b) For Information
  - 8. UNFINISHED BUSINESS
  - 9. NEW BUSINESS
  - 10. REPORTS/RECOMMENDATIONS FROM COMMITTEES, COTW and COMMISSIONS
  - 11. COUNCIL REPORTS

12. RESOLUTION TO ADJOURN TO CLOSED MEETING
13. REPORTS/RESOLUTIONS RELEASED FROM CLOSED MEETINGS
14. ADJOURNMENT

- (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**

- 33 (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by 2/3 of the Council members present at the time allocated on the agenda for such matters; and, the item is emergent or time sensitive requiring Council consideration prior to the next scheduled Council meeting.
- (2) If Council makes a resolution under subsection (1), information pertaining to late items must be distributed to the members.

#### **Voting at meetings**

- 34 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:  
  
*"On the motion, 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;
  - (f) 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, Petitions and Correspondence**

- 35
- (1) Delegation requests, submitted in writing or on the form prescribed by the Village, must be received by the Corporate Officer by 12:00 p.m. (noon) on the Tuesday prior to the meeting date requested and must include any presentation material(s).
  - (2) Subject to subsection (1), a limit of two (2) delegations per regular Council meeting is preferred. Each delegation is limited to fifteen (15) minutes including time for questions unless a longer period is agreed to by a 2/3 vote of the members present. Presentation materials such as video and slides by a delegation are included in the time permitted for the delegation.
  - (3) Where written application has not been received by the Corporate Officer as prescribed in subsection (1), an individual or delegation may address the meeting if approved by a 2/3 vote of the members present.
  - (4) Council shall not act on a request from a delegation until the next regular meeting.
  - (5) Council must not permit a delegation to address a Council meeting regarding a bylaw in respect of which a public hearing has been held.
  - (6) The Corporate Officer must refuse delegation requests in the following circumstances:
    - (a) If the matter is regarding an issue that is the subject of a staff report not yet presented at a Council meeting;
    - (b) If the matter is regarding an issue for which a public consultation has been held, is ongoing, or is scheduled to be held;
    - (c) If the delegation has previously addressed Council, or a Committee, on the same issue and no new material information is being provided;
    - (d) If the matter is regarding the Village's labour relations or other employee relations;
    - (e) If the matter is the subject of a Closed meeting discussion that has not been authorized for release by Council; or
    - (f) If the matter is regarding legal action commenced by the Village or in which the Village has been named as a respondent, and for which judgement has not been rendered.
  - (7) For certainty, a person or organization must not address Council on any matter involving an application, project or other initiative that will be or has been dealt with through another process under this Bylaw.
  - (8) The Corporate Officer may schedule delegations to another Council meeting, COTW or advisory body as deemed appropriate according to the subject matter of the delegation.

- (9) 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.
- (10) In accordance with the requirements of the *Community Charter*, a petition filed with the Corporate Officer shall be deemed as presented to Council and must include the full name and residential address of each petitioner.
  - (a) Communications addressed to Council which relate to matters that fall within the responsibility of a Village department may be referred directly to that department by the Corporate Officer.
  - (b) If a matter is referred under subsection 10(a), a copy of the communication shall be distributed to each Council member and to the appropriate staff. Upon receipt of the communication, an acknowledgement shall be provided to the writer advising where the matter has been referred.
  - (c) The Corporate Officer has the authority to forward correspondence items to the meeting considered to be most appropriate according to the subject matter.
  - (d) An appeal from any referral under subsections 10(a) and 10(c), may be made to the Chief Administrative Officer who shall determine the final disposition of the matter.
  - (e) All petitions or other written communications which require a report may be referred to the Chief Administrative Officer through a formal motion.

**Public Input**

- 36 (1) The following conditions apply to all Public Input:
  - (a) No more than 15 minutes will be allocated to Public Input;
  - (b) Input should be limited to 2 minutes per question or point each and respect equal opportunity for other community members in the gallery;
  - (c) Should only be regarding an item on the current Council agenda;
  - (d) Items put forth must not be regarding topics which are normally dealt with by Village staff as a matter of routine;
  - (e) Individuals must state their name and address for identification purposes;
  - (f) Public Input shall be addressed through the Chair and answers given likewise;

- (g) Debates with or by individual Council members, staff members or members of the public are not allowed;
- (h) No commitments shall be made by Council in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

**Points of order**

- 37 (1) Without limiting the presiding member's duty under section 132(1) [*Authority of presiding member*] 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.
- (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 paragraph (a);
  - (c) the presiding member may reserve the decision until the next Council meeting.

**Conduct and debate**

- 38 (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, acting Mayor, or Councillor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) A member must not interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member
- (a) must immediately stop speaking;
  - (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 [*Authority of presiding member*] of the *Community Charter*.
- (7) Members speaking at a Council meeting
- (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) must speak only in connection with the matter being debated;
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded; and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat; and
  - (b) if the member apologizes to Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) 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 Council may reply to the debate;
  - (c) a member who has moved an amendment, 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 10 minutes only with the permission of Council.

**Motions generally**

- 39 (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (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.
- (3) A Council member may make only the following motions, when 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.
- (4) A motion made under section (3)(c) to (g) is not amendable or debatable.
- (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.
- (6) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution subject to the restrictions set out in Section (4).

**Motion to commit**

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

**Motion for the main question**

- 41 (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before Council.
- (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 vote is decided in the negative, Council may again debate the question, or proceed to other business.

**Amendments generally**

- 42 (1) A Council member may, without notice, move to amend a main question that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of a main question.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (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.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (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 paragraph (a) is positive; and
  - (c) the main question.

**Notice of Motion**

- 43 (1) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by giving a copy of the motion to the Corporate Officer during a Council meeting and upon the Council member being acknowledged by the Mayor and the Notice of Motion being read to the meeting.
- (2) A copy of the motion presented under Section 43.1 shall appear in the Minutes of that meeting as a "Notice of Motion". The Corporate Officer shall place the motion on the Agenda of the next Council meeting, or other future meeting designated by the Council member bringing forward the Notice of Motion.

**Reconsideration by Mayor**

- 44 (1) Without limiting the authority of Council to reconsider a matter, the Mayor may require 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 Council, or
- (ii) there has already been a reconsideration under this section or section 43 in relation to the matter.
- (3) On a reconsideration under this section, 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.

**Reconsideration by Council member**

- 45 (1) Subject to subsection (6), a Council member may, 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.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.

- (4) A vote to reconsider must not be reconsidered.
- (5) Council may reconsider a matter only when it has not
  - (a) had the approval or assent of the electors and been adopted;
  - (b) been reconsidered under subsection (1) or section; or
  - (c) been acted on by an officer, employee, or agent of the Village.
- (6) 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.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 44 is as valid and has the same effect as it had before reconsideration.

**Privilege**

- 46 (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 Council; and
  - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

**Reports from Committees**

- 47 Council may take any of the following actions in connection with a recommendation it receives from COTW, a Committee, or other body of Council:
  - (a) adopt or affirm the recommendation;
  - (b) amend the recommendation;
  - (c) refer the recommendation back to the COTW or other Committee or body of Council which made the recommendation; and
  - (d) postpone its consideration of the recommendation.



### **Adjournment**

- 48 (1) A Council may continue a Council meeting after 10:00 p.m. only by an affirmative vote of 2/3 of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day; or
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 7 – BYLAWS**

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

- 49 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 if all Council members unanimously agree to waive this requirement.

### **Form of bylaws**

- 50 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**

- 51 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**

- 52 (1) A bylaw must receive three readings before it can proceed to final adoption. This process

allows Council to provide input into the bylaw and make necessary changes before it is adopted. The various “readings” are taken to mean:

- (a) first reading – tabling or introduction;
  - (b) second reading – discussion in principle and on the content of the bylaw;
  - (c) third reading – final discussion, including any changes made along the way.
- (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*. Once third reading is complete changes can still be made to the bylaw, however, third reading must be repealed and the bylaw read a third time again.
- (4) Subject to section 477 [*Adoption procedures for official community plan*] of the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members.
- (5) In accordance with section 135 [*Requirements for passing bylaws*] of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Bylaws that do not require provincial or other approval, must have at least one clear day between third reading and final adoption of a bylaw.
- (7) Despite section 135(3) [*Requirement for passing bylaws*] of the *Community Charter*, and in accordance with section 480 [*Adoption of municipal zoning bylaw*] of the *Local Government Act*, Council may adopt a proposed official community plan bylaw or zoning bylaw at the same meeting at which the bylaw passed third reading.

#### **Bylaws must be signed**

- 53 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 Village’s records for safekeeping and endorse upon it
- (a) the dates of its readings and adoption; and
  - (b) the date of ministerial approval or approval of the electorate if applicable.

### **PART 8 - RESOLUTIONS**

#### **Copies of resolutions to Council members**

- 54 A resolution 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 if all Council members unanimously agree to waive this requirement.

**Form of resolution**

55 A resolution introduced at a Council meeting must be printed.

**Introducing resolutions**

- 56 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 9 - COMMITTEE OF THE WHOLE**

**Going into COTW**

- 57
- (1) At any time during a Council meeting, Council may by resolution go into COTW.
  - (2) In addition to subsection (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 Village 's business, is a meeting of COTW.
  - (3) A COTW meeting may be scheduled at the discretion of the Corporate Officer or at the request of a majority of Council to provide an opportunity for open dialogue in regard to a matter prior to consideration at a future Council meeting.

**Notice for COTW meetings**

- 58
- (1) Subject to subsection (2), a notice of the day, hour and place of a COTW 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 Place and Village website, and
    - (b) emailing a copy of the notice to each Council member.
  - (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 57, during a Council meeting for which public notice has been given under sections 23 or 24.
  - (3) A COTW meeting for which public notice has been given under sections 23 or 24 may be cancelled by resolution of Council or at the discretion of the Mayor with the consent of the majority of Council members, provided the Corporate Officer is given at least two (2) days written notice.

**Minutes of COTW meetings to be maintained and available to public**

59 Minutes of the proceedings of COTW 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) [*Other records to which public access must be provided*] of the *Community Charter*; and
- (e) be included on the agenda of the next regularly scheduled meeting of Council.

**Presiding members at COTW meetings and quorum**

- 60
- (1) The Deputy Mayor shall be presiding member of the COTW.
  - (2) If the Deputy Mayor is not present, the members of Council attending a meeting of the COTW must appoint a presiding member for the COTW meeting.
  - (3) The quorum of COTW is the majority of Council members.

**Points of order at meetings**

- 61
- The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

**Conduct and debate**

- 62
- The following rules apply to COTW meetings:
- (a) a member may speak any number of times on the same question; and
  - (b) a member must not speak longer than a total of 10 minutes on any one question.

**Voting at meetings**

- 63
- (1) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
  - (2) The presiding member must declare the results of voting.

**Reports**

- 64
- (1) COTW 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.
  - (2) A motion for COTW to rise and report to Council must be decided without debate.

**Rising without reporting**

- 65 (1) A motion made at a COTW 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.
- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 57(1), the Council meeting must resume and proceed to the next order of business.

**PART 10 – COMMITTEES**

**Duties of Standing Committees**

- 66 (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; and
  - (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; and
  - (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 Council or the Mayor does not specify a time.

**Duties of Select Committees**

- 67 (1) Select Committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the Committee by Council.
- (2) Select Committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

**Schedule of Committee meetings**

- 68 (1) At its first meeting after its establishment, a Standing or Select Committee must establish a regular schedule of meetings if the meeting schedule has not been set out in the Committee's terms of reference.
- (2) The chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting.

**Notice of Committee meetings**

- 69 (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 Place and the Village website; and
  - (b) providing a copy of the schedule to each member of the Committee.
- (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 Place and Village website which indicates any revisions to the date, time and place or cancellation of a Committee meeting.
- (3) The chair of a Committee must cause a notice of the day, time and place of a meeting called under section 68(2) be given to all members of the Committee at least 24 hours before the time of the meeting.

**Attendance at Committee meetings**

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

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

- 71 Minutes of the proceedings of a Committee must be
- (a) legibly recorded;
  - (b) certified by the Corporate Officer;
  - (c) signed by the chair or member presiding at the meeting; and
  - (d) open for public inspection in accordance with section 97(1)(c) [*Other records to which public access must be provided*] of the *Community Charter*; and
  - (e) be included on the agenda of the next regularly scheduled meeting of Council.

**Quorum**

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

**Conduct and debate**

- 73 (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.
- (2) Council members attending a meeting of a Committee, of which they are not a member, may participate in the discussion.

**Voting at meetings**

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

**PART 11 - COMMISSIONS**

**Schedule of commission meetings**

- 75 (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings if the meeting schedule has not been set out in the Committee's terms of reference.
- (2) The chair of a commission may call a meeting of the commission in addition to the scheduled meetings or may cancel a meeting.

**Notice of commission meetings**

- 76 (1) Subject to subsection (2), after the commission has established the regular schedule of commission meetings, including the times, dates and places of the commission meetings, notice of the schedule must be given by
- (a) posting a copy of the schedule at the Public Notice Posting Place and Village website; and
- (b) providing a copy of the schedule to each member of the commission.
- (2) Where revisions are necessary to the annual schedule of the commission meetings, as soon as possible, post notice at the Public Notice Posting Place and Village website which indicates any revisions to the date, time and place or cancellation of a commission meeting.
- (3) The chair of a commission must cause a notice of the day, time and place of a meeting called under section 75(2) to be given to all members of the commission at least 24 hours before the time of the meeting.

**Minutes of commission meetings to be maintained and available to the public**

- 77 Minutes of the proceedings of a commission must be:
- (a) legibly recorded;
  - (b) signed by the recording secretary;
  - (c) signed by the chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) [*Other records to which public access must be provided*] of the *Community Charter*; and
  - (d) be included on the agenda of the next regularly scheduled meeting of Council.

**Quorum**

- 78 The quorum of a commission is a majority of all of its members.

**Conduct and Debate**

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

**PART 12 – GENERAL**

- 80 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.
- 81 This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 [*Requirements for public notice*] of the *Community Charter*.
- 82 “Village of Ashcroft Council Procedures Bylaw No. 817, 2018”, and amendments made thereto, is hereby repealed.
- 83 This bylaw comes into force and effect as of the date of adoption.

READ A FIRST TIME this	27 <sup>th</sup>	day of	January, 2020
READ A SECOND TIME this	24 <sup>th</sup>	day of	February, 2020
READ A THIRD TIME this	9 <sup>th</sup>	day of	March, 2020
RESCINDED THIRD READING this	18 <sup>th</sup>	day of	March, 2020



